

# The City Record

Official Publication of the City of Cleveland

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November the Eighteenth, Nineteen Hundred and Ninety-Eight

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|                             |                     |
|-----------------------------|---------------------|
| <b>Mayor</b>                |                     |
| Michael R. White            |                     |
| <b>President of Council</b> |                     |
| Jay Westbrook               |                     |
| <b>Clerk of Council</b>     |                     |
| Artha Woods                 |                     |
| <b>Ward</b>                 | <b>Name</b>         |
| 1                           | Joseph T. Jones     |
| 2                           | Robert J. White     |
| 3                           | Odelia V. Robinson  |
| 4                           | Kenneth L. Johnson  |
| 5                           | Frank G. Jackson    |
| 6                           | Patricia J. Britt   |
| 7                           | Fannie M. Lewis     |
| 8                           | William W. Patmon   |
| 9                           | Craig E. Willis     |
| 10                          | Roosevelt Coats     |
| 11                          | Michael D. Polensek |
| 12                          | Edward W. Rybka     |
| 13                          | Joe Cimperman       |
| 14                          | Nelson Cintron, Jr. |
| 15                          | Merle R. Gordon     |
| 16                          | Larry Moran         |
| 17                          | Timothy J. Melena   |
| 18                          | Jay Westbrook       |
| 19                          | Joseph J. Zone      |
| 20                          | Martin J. Sweeney   |
| 21                          | Michael A. Dolan    |

| Containing  | PAGE |
|---|------|
| City Council  | 3    |
| The Calendar  | 16   |
| Board of Control                                    | 17   |
| Civil Service                                       | 19   |
| Board of Zoning Appeals                             | 19   |
| Board of Building Standards<br>and Building Appeals | 20   |
| Public Notices                                      | 22   |
| Public Hearings                                     | 22   |
| City of Cleveland Bids                              | 22   |
| Adopted Resolutions<br>and Ordinances               | 24   |
| Committee Meetings                                  | 29   |
| Index   | 29   |

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL—LEGISLATIVE President of Council—Jay Westbrook

| Ward  | Name   | Residence                |       |
|---|--|--------------------------|-------|
| 1   | Joseph T. Jones .....  | 15601 Lotus Drive        | 44128 |
| 2   | Robert J. White .....  | 3760 East 126th Street   | 44105 |
| 3   | Odelia V. Robinson .....   | 3448 East 123rd Street   | 44120 |
| 4   | Kenneth L. Johnson .....   | 2948 Hampton Road        | 44120 |
| 5   | Frank G. Jackson .....   | 2327 East 38th Street    | 44115 |
| 6   | Patricia J. Britt .....  | 12402 Britton Drive      | 44120 |
| 7   | Fannie M. Lewis .....  | 7416 Star Avenue         | 44103 |
| 8   | William W. Patmon .....  | 867 East Boulevard       | 44108 |
| 9   | Craig E. Willis .....  | 11906 Beulah Avenue      | 44106 |
| 10  | Roosevelt Coats .....  | 1775 Cliffview Road      | 44112 |
| 11  | Michael D. Polensek .....  | 17855 Brian Avenue       | 44119 |
| 12  | Edward W. Rybka .....  | 6832 Indiana Avenue      | 44105 |
| 13  | Joe Cimperman .....  | 3053 West 12th Street    | 44113 |
| 14  | Nelson Cintron, Jr. ....   | 3032 Vega Avenue         | 44113 |
| 15  | Merle R. Gordon .....  | 1813 Tampa Avenue        | 44109 |
| 16  | Larry Moran .....  | 3584 West 46th Street    | 44102 |
| 17  | Timothy J. Melena .....  | 6110 West Clinton Avenue | 44102 |
| 18  | Jay Westbrook .....  | 10513 Clifton Boulevard  | 44102 |
| 19  | Joseph J. Zone .....   | 3323 West 130th Street   | 44111 |
| 20  | Martin J. Sweeney .....  | 3632 West 133rd Street   | 44111 |
| 21  | Michael A. Dolan .....   | 16519 West Park Road     | 44111 |
|   | Clerk of Council—Artha Woods, 216 City Hall, 664-2840.<br>First Assistant Clerk—Sandra Franklin. |                          |       |
| <b>MAYOR—Michael R. White</b>   |  |                          |       |
| LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy   |  |                          |       |
| Barry Withers, Executive Assistant for Administration   |  |                          |       |
| Judith Zimomra, Executive Assistant for Service   |  |                          |       |
| Kenneth Silliman, Executive Assistant for Economic Development  |  |                          |       |
| Laura Ann Williams, Director, Office of Equal Opportunity   |  |                          |       |
| Milan T. Polacek, Executive Assistant for Legislative Affairs   |  |                          |       |
| <b>DEPT. OF LAW—Cornell P. Carter, Director, Lessie M. Milton,</b><br>Chief Counsel, Room 106   |  |                          |       |
| George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch – Justice<br>Center, 8th Flr., Court Towers, 1200 Ontario Street                 |  |                          |       |
| Karen E. Martines, Law Librarian, Room 100  |  |                          |       |
| <b>DEPT. OF FINANCE—Martin L. Carmody, Director, Room 104; Carlean</b><br>Alford, Manager, Internal Audit                                     |  |                          |       |
| <b>DIVISIONS—Accounts—Gayle Goodwin Smith, Commissioner, Room 19</b><br>City Treasury – Mary Christine Jackman, Treasurer, Room 115           |  |                          |       |
| Assessments and Licenses – Robert J. Schneider, Commissioner,<br>Room 122   |  |                          |       |
| Purchases and Supplies – William A. Moon, Commissioner, Room 128  |  |                          |       |
| Printing and Reproduction – James D. Smith, Commissioner, 1735 Lakeside<br>Avenue   |  |                          |       |
| Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue  |  |                          |       |
| Financial Reporting and Control – Robert Dolan, Controller, Room 18   |  |                          |       |
| Information Systems Services – Hamid Manteghi, Commissioner, 1404 E.<br>9th St.   |  |                          |       |
| <b>DEPT. OF PUBLIC UTILITIES—Michael Konicek, Director, 1201 Lakeside</b><br>Avenue   |  |                          |       |
| <b>DIVISIONS—1201 Lakeside Avenue</b>   |  |                          |       |
| Water – Julius Ciaccia, Jr., Commissioner   |  |                          |       |
| Water Pollution Control – Darnell Brown, Commissioner   |  |                          |       |
| Utilities Fiscal Control – Morry Blech, Commissioner  |  |                          |       |
| Cleveland Public Power – James F. Majer, Commissioner   |  |                          |       |
| Street Lighting Bureau – Frank Schilling, Acting Chief.   |  |                          |       |
| <b>DEPT. OF PORT CONTROL—Solomon F. Balraj, Director,</b><br>Cleveland Hopkins International Airport, 5300 Riverside Drive;                   |  |                          |       |
| Cleveland Hopkins International Airport – Mark D. Vanloh, Commissioner  |  |                          |       |
| Burke Lakefront Airport – Michael C. Barth, Commissioner  |  |                          |       |
| <b>DEPT. OF PUBLIC SERVICE—Henry Guzmán, Director, Room 113</b>   |  |                          |       |
| <b>DIVISIONS—Waste Collection and Disposal – Randell T. Scott, Acting</b><br>Commissioner, 5600 Carnegie Avenue.                              |  |                          |       |
| Streets – Randell T. Scott, Commissioner, Room 25   |  |                          |       |
| Engineering and Construction – JoMarie Wasik, Acting Commissioner,<br>Room 518  |  |                          |       |
| Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner,<br>Harvard Yards   |  |                          |       |
| Architecture – Kenneth Nobilio, Commissioner, Room 517  |  |                          |       |
| <b>DEPT. OF PUBLIC HEALTH—Robert O. Staib, Director, Mural Building</b><br>1925 St. Clair Avenue.   |  |                          |       |
| <b>DIVISIONS—Health—Joyce Atwell-Joyce, Commissioner, Mural Building,</b><br>1925 St. Clair Avenue  |  |                          |       |
| Environment – Eric Myles, Acting Commissioner, Mural Building, 1925<br>St. Clair Avenue   |  |                          |       |
| Correction – Thomas Hardin, Commissioner, Cooley Farms, 4041 North-<br>field Road   |  |                          |       |
| <b>DEPT. OF PUBLIC SAFETY—William M. Denihan, Director, Room 230.</b>   |  |                          |       |
| <b>DIVISIONS—Police – Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300</b><br>Ontario Street   |  |                          |       |
| Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue  |  |                          |       |
| Traffic Engineering & Parking – _____, Commissioner, 2001 Payne Ave.  |  |                          |       |
| Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street  |  |                          |       |
| Emergency Medical Service – Bruce Shade, Commissioner, 1708 South<br>Pointe Drive   |  |                          |       |
| <b>DEPT. OF PARKS, RECREATION &amp; PROPERTIES—Nicholas P. Jackson,</b><br>Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St. |  |                          |       |
| <b>DIVISIONS—Convention Center &amp; Stadium—James Glending,</b><br>Commissioner, Public Auditorium, E. 6th and Lakeside Ave.                 |  |                          |       |
| Property Management – Vernon Robinson, Commissioner, East 49th &<br>Harvard   |  |                          |       |

Parking Facilities – Alfred T. Miller, Jr., Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

Park Maintenance and Properties – Richard L. Silva, Acting Commissioner, Public Auditorium – E. 6th & Lakeside.

Recreation – Michael Cox, Acting Commissioner, Room 8

Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

**DEPT. OF COMMUNITY DEVELOPMENT—Linda M. Hudecek, Director,**  
3rd Floor, City Hall.

**DIVISIONS—Administrative Services—Terrence Ross, Commissioner.**  
Neighborhood Services – Louise V. Jackson, Commissioner.  
Neighborhood Development – Donald T. Moss, Commissioner.  
Building & Housing – Lisa Thomas, Commissioner, 5th Floor, City Hall.

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

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

**DEPT. OF AGING—Susan E. Axelrod, Director, Room 122**

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

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

**SINKING FUND COMMISSION—Michael R. White, President; Betsy**  
Hruby, Asst. Sec'y.; \_\_\_\_\_, Director; President of Council  
Jay Westbrook.

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

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

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

**BOARD OF SIDEWALK APPEALS—Service Director Henry Guzmán;**  
Law Director Cornell P. Carter; Councilman Roosevelt Coats.

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

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

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

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

**BOARD OF EXAMINERS OF ELECTRICIANS—Raymond Ossovicki,**  
Chairman; \_\_\_\_\_, Anton J. Eichmuller, Samuel Montfort  
J. Gilbert Steele, Laszlo V. Kemes, Secretary.

**BOARD OF EXAMINERS OF PLUMBERS—Joseph Gyorky, Chrm.;**  
Earl S. Bumgarner, \_\_\_\_\_, Jozef Valencik, Martin Gallagher,  
Laszlo V. Kemes, Secretary.

**CLEVELAND LANDMARKS COMMISSION—Room 519, \_\_\_\_\_,**  
Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert  
Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison,  
Kenneth Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson,  
Councilman Craig E. Willis, Councilman Joe Cimperman.

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, NOVEMBER 18, 1998

No. 4432

## CITY COUNCIL

MONDAY, NOVEMBER 16, 1998

### The City Record

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**ARTHA WOODS**

Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

#### MONDAY—Alternating

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

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

#### MONDAY—Alternating

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

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** White, Chairman; Moran, Vice Chairman; Britt, Cintron, Gordon, Lewis, Johnson.

#### MONDAY

2:00 P.M.—**Finance Committee:** Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, Zone.

#### TUESDAY

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patmon, Chairman; Coats, Vice Chairman; Britt, Cintron, Dolan, Jones, Lewis, Moran, Polensek.

1:30 P.M.—**City Planning Committee:** Rybka, Chairman; Robinson, Vice Chairman; Cimperman, Jackson, White, Willis, Zone.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio November 16, 1998.  
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

Councilmen present: Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, Moran, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis, Zone.

Also present were Mayor White and Directors Carter, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Nolan, Warren, Axelrod, Dove, Morrison and Acting Directors Frank, Ciaccia.

Absent: Directors Carmody, Konicek.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Bede Kotlinski, of St. Andrew Abbey of 10510 Buckeye Road, located in Ward 4. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 417-98.

Letter from various entities apprising the Council that each said entity will be a partner in a residential development project located in various residential development project located in various wards, with any development dependent upon various funding programs and tax credits, some through the Ohio Housing Finance Agency, and allowing for public comment regarding each project's impact.

The following entity sent a letter for the development listed with project type and number of units. Famicos Foundation total of 25 units. Received.

##### File No. 1993-98.

From the Department of Public Safety re: MBE/FBE "Set Aside" Requisition list sent to the Division of Purchases and Supplies. Received.

##### File No. 1994-98.

From the Division of Purchases and Supplies re: Sales Request No. 90168. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 1995-98.

Re: Transfer of Ownership and Location Application - 7694512 - Salt Mine Corporation dba Lake Effect, 4204 Detroit Avenue. (Ward 14). Received.

##### File No. 1996-98.

Re: Transfer of Location Application - 52379270001 - Little Kings Lounge, Inc. dba Little Kings Lounge, 3061 Payne Avenue. (Ward 13). Received.

##### File No. 1997-98.

Re: Stock Transfer Application - 8616529 - Stop N Save, Inc., 13501 Lakewood Heights Boulevard, first floor. (Ward 19). Received.

#### STATEMENT OF WORK ACCEPTED

##### File No. 1998-98.

From the Department of Parks, Recreation and Properties re: Contract No. PS 48528 for improvement at Settlers Landing Park 1997 Construction Phase II. Received.

#### CONDOLENCE RESOLUTION

The rule was suspended and the following resolution was adopted by a rising vote:

**Res. No. 2021-98**—Anita Juan Guley.

#### CONGRATULATORY RESOLUTIONS

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

**Res. No. 2022-98**—Shade Hayes.

**Res. No. 2023-98**—The Amici String Quartet.

**Res. No. 2024-98**—Sandi Gerena.

**Res. No. 2025-98**—Tyrone McGuinea.

**Res. No. 2026-98**—Dr. James Leu.

**Res. No. 2027-98**—Gregory L. Brown.

**Res. No. 2028-98**—Melvin G. Pye, Jr.

**Res. No. 2029-98**—Albert B. Ratner.

**Res. No. 2030-98**—Jacqueline Beatrice Parries.

**Res. No. 2031-98**—Tamura T. Rogers.

**Res. No. 2032-98**—James Hogan.

**Res. No. 2033-98**—Antioch Credit Union.

**Res. No. 2034-98**—Reverend Bishop Prince J. Moultry.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 1999-98.**  
**By Councilman Johnson (by departmental request).**

**An emergency ordinance appropriating funds obtained from the Ohio Bureau of Workers' Compensation for various public improvements and to purchase vehicles.**

Whereas, the Ohio Bureau of Workers' Compensation ("BWC") refunded to the City funds from previous premiums paid to it; and

Whereas, this Council wishes to appropriate funds received from the BWC for the purposes of making public improvements and purchasing furniture and equipment for the City's recreation and health centers, purchasing vehicles for the various City departments and constructing a recreation center in the Collinwood neighborhood; and

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

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

**Section 1.** That this Council hereby appropriates funds received from the Ohio Bureau of Workers' Compensation as a refund for previous premiums paid in the amount of Ten Million Dollars (\$10,000,000.00), from Fund No. 10 SF 166, for the purposes of paying the cost of making public improvements to and purchasing furniture and equipment for the City's recreation and health centers in the amount of \$5,000,000.00, paying the cost of purchasing vehicles for the various City departments in the amount of \$4,000,000.00, and paying the cost of constructing a recreation center in the Collinwood neighborhood in the amount of \$1,000,000.00, pursuant to the following schedule:

|                          |                 |
|--------------------------|-----------------|
| Personnel . . . . .      | -0-             |
| Other Expenses . . . . . | \$10,000,000.00 |

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

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

**Ord. No. 2000-98.**  
**By Councilmen Patmon and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by contract of one diesel forklift truck, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items; one (1) diesel forklift truck, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 24035.

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

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

**Ord. No. 2001-98.**  
**By Councilmen Westbrook and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to apply for and accept State of Ohio and Federal grant funds.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to apply for and accept grants from the United States of America acting through its Federal Aviation Administration ("FAA"), the United States Department of Transportation and/or its member agencies, and grants from the State of Ohio, as they may become available, to fund projects related to the operations of Cleveland Hopkins International Airport and Burke Lakefront Airport. The Director is further authorized to file all papers and execute all documents necessary to apply for, accept and receive funds under said grants; provided that the City shall follow all applicable federal regulations; and that any grant funds be and are hereby appropriated for the purposes set forth in the applications for said grants, or any amendments thereto.

**Section 2.** That the Director of Port Control is further authorized to pay cash match funds for projects approved by the above-named grantors for grant funding. Said matching funds shall be paid from funds appropriated for the use of the Department of Port Control and any existing or future revenue bond funds, grant proceeds and PFC authorizations.

**Section 3.** That the provisions of this ordinance shall expire on December 31, 2000.

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

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

**Ord. No. 2002-98.**  
**By Councilmen Westbrook and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain and repair air**

**conditioning systems for the various divisions of the Department of Port Control, 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 Port Control is hereby authorized 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 (2) years for the necessary items of labor and materials necessary to maintain and repair the air conditioning systems 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 various divisions of the Department of Port Control. 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 (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**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 24794)

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

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

**Ord. No. 2003-98.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of various on-road vehicles and off-road equipment, for the various divisions of City government.**

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 to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment in the estimated sum of \$4,000,000.00, to be purchased by the Commissioner of Purchases and Sup-

plies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23262)

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

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

**Ord. No. 2004-98.**

**By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to employ one or more professional consultants to provide professional services necessary to implement the HOPWA program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to employ by contract one or more consultants or one or more firms of professional consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the HOPWA program.

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

**Section 2.** That the costs for such services herein contemplated shall be paid from Fund Nos. 13 SF 482 and 13 SF 513, Request No. 24512.

**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 Health, Finance, Law; Committees on Public Health, Finance.

**Ord. No. 2005-98.**

**By Councilmen Coats, Zone and Johnson (by departmental request).**

**An emergency ordinance to amend Section 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-98, passed July 29, 1998, relating to intermunicipal fire protection agreements.**

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

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

**Section 1.** That Section 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-98, passed July 29, 1998, is hereby amended to read as follows:

**Section 135.26 Intermunicipal Fire Protection Agreements**

The Director of Public Safety is hereby authorized to enter into agreements to provide or accept services of fire forces, including the interchange of fire forces, technical rescue, confined space rescue, and hazardous materials response, or the use of fire apparatus with the county or any political subdivision, state agency or instrumentality within Cuyahoga County as shall request such agreements, or as agree to provide such services to the City of Cleveland, in the interest of public safety. Any such agreements must be authorized by the legislative body of the governing board of the entity requesting service from or providing service to the City of Cleveland.

**Section 2.** That existing Section 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-98, passed July 29, 1998, is hereby repealed.

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

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

**Ord. No. 2006-98.**

**By Councilmen Willis, Gordon, Rybka and Johnson (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing, upgrading, securing or otherwise improving certain City-owned recreation facilities and City-owned health centers, including site improvements and appurtenances; authorizing the Directors of Parks, Recreation and Properties and Public Health to proceed with said improvements by the direct employment of the necessary labor for**

**areas not otherwise improved; authorizing said directors to enter into contracts for the making of their respective improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to such improvements; and authorizing and directing the purchase by contract of furniture and equipment necessary for the improvements for the Divisions of Recreation and Health, Departments of Parks, Recreation and Properties and Public Health.**

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, rehabilitating, renovating, replacing, upgrading, securing or otherwise improving certain City-owned recreation facilities, including all site improvements and appurtenances necessary and incidental thereto, for the Division of Recreation, Department of Parks, Recreation and Properties, by contract let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 2.** That the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of improving certain City-owned recreation facilities, including all site improvements and appurtenances necessary and incidental thereto, authorized by Sections 1 and 2 of this ordinance, for the Division of Recreation, Department of Parks, Recreation and Properties, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of such improvements, with a separate accounting as to each improvement so made.

**Section 4.** That the Director of Parks, Recreation and Properties is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties.

**Section 5.** That the Director of Parks, Recreation and Properties is hereby authorized to employ by contract or contracts one or more firms of architectural, landscaping archi-

textural or engineering consultants and other consultants necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the public improvements authorized by Sections 1 and 2 of this ordinance.

**Section 6.** That the selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract or contracts herein authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

**Section 7.** That the Director of Parks, Recreation and Properties is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furniture and equipment necessary for the above mentioned public improvements.

**Section 8.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, rehabilitating, renovating, replacing, upgrading, securing or otherwise improving certain City-owned health centers, including all site improvements and appurtenances necessary and incidental thereto, for the Division of Health, Department of Public Health, by contract let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 9.** That the Director of Public Health is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 10.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of improving certain City-owned or leased health centers, including all site improvements and appurtenances necessary and incidental thereto, authorized by Sections 8 and 9 of this ordinance, for the Division of Health, Department of Public Health, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of such improvements, with a separate accounting as to each improvement so made.

**Section 11.** That the Director of Public Health is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all

of the items comprising the necessary supplies and materials for said improvement, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Health, Department of Public Health.

**Section 12.** That the Director of Public Health is hereby authorized to employ by contract or contracts one or more firms of architectural, landscaping architectural or engineering consultants and other consultants necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the public improvements authorized by Sections 8 and 9 of this ordinance.

**Section 13.** That the selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Health from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Health for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract or contracts herein authorized shall be prepared by the Director of Law, approved by the Director of Public Health, and certified by the Director of Finance.

**Section 14.** That the Director of Public Health is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furniture and equipment necessary for the above mentioned public improvements.

**Section 15.** That the costs of all the improvements, professional services and other contracts authorized herein shall be paid from Fund No. 10 SF 166, Request No. 23262.

**Section 16.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 2007-98.**

**By Councilmen Jackson, Sweeney, Zone and Johnson (by departmental request).**

**An emergency ordinance to amend Sections 3167.01, 3167.02, 3167.03, 3167.04 and 3167.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2784-87, passed December 21, 1987, relating to flood plain management.**

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 3167.01, 3167.02, 3167.03, 3167.04 and 3167.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2784-87, passed December 21, 1987, are hereby amended to read, respectively, as follows:

**Section 3167.01 Methods of Reducing Flood Losses**

(a) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) Ensure that potential buyers are aware that property is in an area of special flood hazard; and

(8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(b) Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**Section 3167.02 Definitions**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(b) "Appeal" means a request for a review of the Commissioner of Building and Housing.

(c) "Area of special flood hazard" means the land in the flood plains within a community subject to a one percent (1%) or greater chance of flooding in any given year. **Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.**

(d) "Base flood" means the flood having a one percent (1%) chance of being equalled or exceeded in any given year. The base flood may also be referred to as the one hundred (100) year flood.

(e) "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

(f) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(g) "Federal Emergency Management Agency ("FEMA")" means the agency with the overall responsibility for administering the National Flood Insurance Program.

(h) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters, and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(i) "Flood Insurance Rate Map ("FIRM")" means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

(j) "Flood Insurance Study" means the official reporting which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries and the water surface elevations of the base flood.

(k) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(l) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include, long-term storage or related manufacturing facilities.

(m) "Historic Structure" means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; and

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

A. By an approved state program as determined by the Secretary of the Interior; or

B. Directly by the Secretary of the Interior in states without approved programs.

(n) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this ordinance for enclosures below the lowest floor.

(o) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. It includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. The term "manufactured home" does not include a "recreational vehicle".

(p) "Manufactured home park" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.

(q) "Manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.

(r) "New construction" means structures for which the "start of construction" commenced on or after the effective date of the Division of Building and Housing's Flood Insurance Rate Map, and includes any subsequent improvement to such structures.

(s) "Recreational vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(t) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first

alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

(u) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(v) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

(w) "Substantial improvement" means any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or

(3) Any improvement to a structure which is considered new construction.

(x) "Variance" is a grant of relief to a person from the requirements of this chapter consistent with the variance conditions herein.

#### Section 3167.03 General Provisions

(a) Lands to which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Cleveland as identified by the Federal Emergency Management Agency, including any additional flood hazard areas annexed by the City of Cleveland that are not identified on the effective Flood Insurance Rate Map.

(b) Basis for Establishing Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the City of Cleveland". This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated August 1, 1978, and any revisions thereto is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file with the Clerk of Council, 216 City Hall, Cleveland, Ohio, 44114, in File No. 2784-87-A.

(c) Compliance. Unless specifically exempted from filing for a development permit as stated in Section 3167.04, no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter.

(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another codified ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of Council; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter may be in conflict with a State law, such State law shall take precedence over this chapter.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Cleveland, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

#### Section 3167.04 Administration

(a) **Establishment of Development Permit. A Development Permit shall be obtained from the Commissioner of Building and Housing before construction or development begins within any area of special flood hazard established in division (b) of Section 3167.03. Application for a Development Permit shall be made on forms furnished by the Commissioner of Building and Housing and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:**

(1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;

(2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed in accordance with division (b)(2)A. of Section 3167.05 where base flood elevation data are utilized.

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in division (b)(2)A. of Section 3167.05; and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

(b) Exemption from Filing a Development Permit. An application for a **development** permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small development activities (except for filling and grading) valued at less than one thousand dollars (\$1,000.00).

(c) Designation of Flood Damage Prevention Administrator. The Commissioner of Building and Housing is hereby appointed to administer and implement this chapter by granting or denying **development** permits applications in accordance with its provisions.

(d) Duties and Responsibilities of the Commissioner of Building and Housing. Duties of the Commissioner of Building and Housing shall include but are not limited to:

(1) Permit Review.

A. Review all **development** permits to determine that the permit requirements of this chapter have been satisfied.

B. Review all **development** permits to assure that all necessary permits have been received from those Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required **including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.**

C. Review all **development** permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of division (b)(6)A. of Section 3167.05 is met.

(2) Use of Other Base Flood Elevation and Floodway Data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with division (b) of Section 3167.03 are designated at Zone A on the community's Flood Insurance Rate Map. Within these areas, the Commissioner of Building and Housing shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer division (b)(1) of Section 3167.05; division (b)(2) of Section 3167.05; and division (b)(6) of Section 3167.05.

(3) Information to be Obtained and Maintained.

A. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Hazard Boundary Map or Flood Insurance Rate Map, regardless of the source of such data, the following provisions shall apply:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain an **enclosure below the lowest floor.**

2. For all new or substantially improved flood proofed structures:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and

b. Maintain the floodproofing certifications required in division (a)(3) of this section.

B. Maintain for public inspection all records pertaining to the provisions of this chapter.

(4) Alteration of Watercourses.

A. The Commissioner of Engineering and Construction shall notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. **A watercourse is considered to be altered if any change occurs within its banks.**

B. **Maintain engineering documentation required in division (c) (4) of Section 3167.04 that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.**

C. Require that all necessary maintenance will be provided for by the applicant for the altered or relocated portion of such watercourse so that the flood carrying capacity will not be diminished.

(5) Interpretation of Flood Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in division (e) of Section 3167.04.

(e) Variance Procedure.

(1) Appeal Board.

A. The Board of Building Standards and Building Appeals as established by the Charter shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. Such Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Commissioners of Building and Housing and Engineering and Construction in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Board or any taxpayer, may appeal such decision to the Court of Common Pleas, Cuyahoga County, Ohio, as provided in RC Chapter 2506.

D. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

6. The necessity to the facility of a waterfront location, where applicable;



7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Upon consideration of the factors of division (e)(1)D. of this section and the purposes of this chapter, the Board of Building Standards and Building Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The Secretary of the Board of Building Standards and Building Appeals shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

#### 2. Conditions for Variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1 through 11 in division (e)(1)D. of this section have been fully considered. As the lot size increases beyond this one-half acre, the technical justification required for issuing the variance increases.

**B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.**

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in division (e)(1)D. of this section or conflict with existing local laws or ordinances.

F. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent

use provided that the criteria of division (e)(2)A. to E. of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

G. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### Section 3167.05 Provisions for Flood Hazard Reduction

(a) General Standards. In all areas of special flood hazards, the following standards are required by the Commissioner of Building and Housing:

##### (1) Anchoring.

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

##### (2) Construction Materials and Methods.

A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

##### (3) Utilities.

A. The Commissioner of Engineering and Construction shall require that all new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharged from the systems into flood waters.

C. **On-site waste disposal** systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision Proposals. The Commissioner of Engineering and Construction shall review all subdivision proposals, including manufactured home subdivisions to ensure that they shall be consistent with the need to minimize flood damage.

A. All subdivision proposals, including manufactured home subdivisions,

shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

B. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and

C. Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivisions, and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

**D. In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, new construction and substantial improvement of any residential, commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to at least two feet above the highest adjacent natural grade.**

(b) Specific Standards. In all areas of special flood hazards where base flood elevation data have been provided as set forth in division (b) of Section 3167.03 or division (d)(2) of Section 3167.04, the following provisions are required:

(1) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the **base flood elevation.**

(2) Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

A. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this division. Such certification shall be provided to the official as set forth in division (a)(3) of Section 3167.04.

(3) Accessory Structures. An exemption to the elevation or dry flood-proofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of division (b)(6)A. of this section and the following additional standards:

A. They shall not be used for human habitation;

B. They shall be designed to have low flood damage potential;

C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;

D. They shall be firmly anchored to prevent flotation;

E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(4) Manufactured Homes. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of RC 3733.01.

A. Manufactured homes shall be anchored in accordance with division (a)(1)B. of this section.

B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation. **These standards also apply to recreational vehicles that are either (i) located on sites for 180 days or more, or (ii) are not fully licensed and ready for highway use.**

(5) Enclosures Below Base Flood Elevation. The following provisions apply to all new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns, or posts or which contain a crawl space. These structures may enclose the area below the base flood elevation provided the following conditions are met:

A. Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must:

1. Be certified by a registered professional engineer or architect; or,  
2. Must meet or exceed the following criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, or other openings provided that they permit the automatic entry and exit of floodwaters.

B. Any enclosure which meets these criteria shall be considered as having met the requirements of division (a)(1) of this section.

(6) Subdivisions and Large Developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 3167.03 or Section 3167.04, the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):

A. The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;

B. If Section 3167.05 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division (a) of Section 3167.05 and division (b) of Section 3167.05.

(7) Floodways. The Flood Insurance Study referenced in division (b) of Section 3167.03 identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in division (d)(2) of Section 3167.04. The floodway is an extremely hazardous area due to the

velocity of flood waters which carry debris, potential projectiles and erosion potential. The following provisions apply within all delineated floodway areas:

A. Prohibit encroachment, including fill, new construction, substantial improvements, and other developments unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If division (b)(6)A. of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 3167.05.

C. **Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Commission of Building and Housing to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.**

Section 2. That Sections 3167.01, 3167.02, 3167.03, 3167.04 and 3167.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2784-87, passed December 21, 1987, 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.

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

**Ord. No. 2008-98.  
By Councilmen Jackson, Westbrook and Johnson (by departmental request).**

**An emergency ordinance appropriating a portion of the funds obtained from Norfolk Southern and CSX and authorizing the Director of Economic Development to employ professional consultants to design and plan for noise mitigation improvements needed to ameliorate and mitigate the adverse environmental impacts caused by increased rail traffic within the City.**

Whereas, pursuant to Ordinance No. 978-98, passed June 8, 1998, and Ordinance No. 1041-98, passed June 8, 1998, this Council approved and ratified agreements entered into by the Mayor with Norfolk Southern Corporation ("Norfolk Southern") and CSX Corporation ("CSX") which, among other things, required financial contributions to Cleveland from the railroads in order to ameliorate and mitigate the adverse environmental impacts in Cleveland resulting from increases in rail traffic by the railroads as a result of their acquisition of assets from Conrail (the "Agreements"); and

Whereas, this Council wishes to appropriate a portion of the funds received in accordance with the Agreements for the purposes of paying the cost of administering the Agreements and the Community Impacts Fund established therein; paying the cost of the City in

defending the interests of Cleveland and its citizens in the proceedings before the Surface Transportation Board relating to the acquisition of Conrail assets by Norfolk Southern and CSX and during the negotiation of the Agreements; and retaining the services of professional consultants to commence the design of and planning for amelioration and mitigation of the adverse environmental impacts caused by increased rail traffic within the City; and

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

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

Section 1. That this Council hereby appropriates a portion of the funds received from Norfolk Southern and CSX pursuant to the Agreements in the amount of Six Hundred Fifty-Nine Thousand Four Hundred Ten Dollars (\$659,410.00), from Fund No. 10 SF 526, for the purposes of paying the cost of administering the Agreements and the Community Impacts Fund; paying the cost of the City in defending the interests of Cleveland and its citizens in the proceedings before the Surface Transportation Board and during the negotiation of the Agreements; and retaining the services of professional consultants for the design of and planning for noise mitigation improvements needed to ameliorate and mitigate the adverse environmental impacts caused by increased rail traffic within the City, pursuant to the following schedule:

|                          |              |
|--------------------------|--------------|
| Personnel . . . . .      | \$159,410.00 |
| Other Expenses . . . . . | \$500,000.00 |

and further authorizes the Director of Economic Development to spend such funds in accordance with this appropriation.

Section 2. That the Director of Economic Development is hereby authorized to employ by contract one or more professional consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design and plan for noise mitigation improvements needed to ameliorate and mitigate the adverse environmental impacts caused by increased rail traffic within the City of Cleveland.

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

Section 3. That the costs for such services herein contemplated shall be paid from Fund No. 10 SF 526, Request No. 24294.

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 Economic Development, Finance, Law; Committees on Community and Economic Development, Aviation and Transportation, Finance.

**Ord. No. 2009-98.**

**By Councilmen Jones, Jackson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with LH Development LLC, to provide for the purpose of repayment of NDIF funds used to partially finance certain improvements as part of the Lee Harvard Shopping Center redevelopment project and to provide for payments to the Cleveland City School District, and to declare certain improvements to real property to be a public purpose.**

Whereas, by Ordinance No. 1270-98, passed \_\_\_\_\_, this Council designated the Lee-Harvard Area Urban Redevelopment Area ("Area") and approved the Lee-Harvard Area Urban Redevelopment ("Plan"); and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, improvements to real property within the Area and consistent with the Plan, may be declared to be a public purpose where fee title to such real property was, at one time, held by the City of Cleveland; and

Whereas, pursuant to the authority of Ordinance No. 1267-98, passed August 19, 1998, the City acquired fee title to certain real property within the Area, which is more particularly described in the documents set forth in the file described in Section 1 of this ordinance (the "Real Property"), prior to adoption of this Ordinance; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, pursuant to Section 5709.42 of the Ohio Revised Code, the owners of such improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, said exemption may exceed 75% of such improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvements not been exempt; and

Whereas, the Cleveland City School District has been notified of the intent to enter into the agreement authorized herein, in compliance with Sections 5709.41(C)(4) and 5709.83 of the Ohio Revised Code; 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 improvements to be constructed in the Area by LH Development LLC ("Redeveloper"), as more fully described in the plans contained in File No. 2009-98-A

("Improvements"), on the Real Property, are hereby declared to be a public purpose, for purposes of Section 5709.41 and 5709.42 of the Ohio Revised Code.

**Section 2.** That one hundred percent (100%) of the Improvements are hereby declared exempt from real property taxation for a period of fifteen years; and that in no event shall the exemption period extend beyond December 31, 2015.

**Section 3.** That, pursuant to Section 5709.42 of the Ohio Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of fifteen years in lieu of said exempt taxes to the Cuyahoga County Treasurer; said payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid, had the Improvements not been exempt from taxation.

**Section 4.** That a portion of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the district had the Improvements not been exempt from taxation.

**Section 5.** That the Director of Economic Development is hereby authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described herein, including agreements securing the payments described in Section 3 of this Ordinance, which agreement or agreements shall contain those terms set forth in the Executive Summary contained in the file referenced in Section 1 of this Ordinance and such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest, which agreement(s) shall contain those terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

**Section 6.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

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

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

**FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**

**Ord. No. 2010-98.**

**By Councilman Cimperman (by departmental request).**

**An emergency ordinance to amend the title and Sections 1 and 6 of Ordinance No. 1010-98, passed August 19, 1998, relating to a Tax Increment Financing Agreement with Colonial**

**Market Place, LLC to provide for service payments for the purpose of repayment of the revenue bonds to be issued for the purpose of assisting with the financing of the rehabilitation and redevelopment of the Colonial and Euclid Arcades and to provide for payments to the Cleveland City School District.**

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 title and Sections 1 and 6 of Ordinance No. 1010-98, passed August 19, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into Tax Increment Financing Agreements with Colonial Market Place, LLC and Market Place Retail Limited Partnership to provide for service payments for the purpose of repayment of the revenue bonds to be issued for the purpose of assisting with the financing of the rehabilitation and redevelopment of the Colonial and Euclid Arcades and to provide for payments to the Cleveland City School District, and to declare certain improvements to real property to be a public purpose.

Section 1. That the improvements to be constructed in the Area by Colonial Market Place, LLC and Market Place Retail Limited Partnership (together, "Redeveloper"), as more fully described in the plans contained in File No. 1010-98-A ("Improvements"), on the Real Property, are hereby declared to be a public purpose, for purposes of Section 5709.41 and 5709.42 of the Ohio Revised Code.

Section 6. That the balance of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in the Arcades Urban Redevelopment Tax Increment Equivalent Fund created by Section 4 hereof to pay the principal (whether at maturity or by prior redemption) of, interest on, and certain expenses related to administration of, revenue bonds issued by the City, pursuant to additional, appropriate legislation of this Council, or other appropriate governmental issuer to finance a portion of the costs of the Improvements, and the costs attributable to the sale of the Bonds, inclusive of attorneys' fees, appraisals and other similar fees.

**Section 2.** That the existing title and Sections 1 and 6 of Ordinance No. 1010-98, passed August 19, 1998, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 2011-98.**  
By Councilman Jones (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1267-98, passed August 19, 1998, relating to the title acquisition to certain property constituting the Lee Harvard Shopping Center.

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 title and Section 1 of Ordinance No. 1267-98, passed August 19, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire title to certain property constituting the Lee Harvard Shopping Center and to reconvey title to such property to **LHDevelopment LLC**; and authorizing the execution of various agreements, certifications, and other documents related thereto.

**Section 1.** That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, as amended, the commissioner of Purchases and Supplies is hereby authorized to acquire the title to all property comprising the Lee Harvard Shopping Center, as more fully described in the Council File No. **1267-98-B**, and to subsequently reconvey title to such property to **LH Development LLC**, consistent with the requirements of Section 5709.41(B)(1) of the Ohio Revised code, provided that the consideration for such conveyances shall be nominal consideration as determined by the Board of Control. The Mayor and commissioner of Purchases and Supplies are hereby authorized to execute any and all documents necessary or appropriate to effectuate the transactions authorized herein.

**Section 2.** That the existing title and Section 1 of Ordinance No. 1267-98, passed August 19, 1998, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 2012-98.**  
By Councilman Jones (by departmental request).

An emergency ordinance to amend Section 2 and 4 of Ordinance No. 1276-98, passed July 29, 1998, relating to authorizing the Director of Economic Development to enter into various agreements to provide economic development financial assistance for the redevelopment of the Lee Harvard Shopping Center; and to repeal the first whereas clause thereof.

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 2 and 4 of Ordinance No. 1276-98, passed July 29, 1998, are hereby amended to read, respectively, as follows:

**Section 2.** That the Director of Economic Development ("Director") is hereby authorized to enter into a contract with **LHDevelopment LLC** ("Redeveloper") to provide economic development assistance for the redevelopment of the Lee Harvard Shopping Center, located at the southeast corner of Lee and Harvard Roads in Cleveland, Ohio and as further described in File No. 1276-98-A ("Project site"). The costs of said contract shall not exceed Two Million dollars (\$2,000,000) and shall be paid from Fund No. 10 SF501, request No. 24291.

**Section 4.** That the terms of the contracts described and authorized herein shall be in accordance with the executive summary contained in File No. **1276-98-B**, and shall be in accordance with applicable federal, state, and local laws and regulations, together with such other terms as the director shall deem necessary and appropriate to effectuate the intent of the Project.

**Section 2.** That existing Sections 2 and 4 and the first whereas clause of Ordinance No. 1276-98, passed July 29, 1998, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 2013-98.**  
By Councilman Polensek.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch banners/holiday lights across E. 161st and Waterloo, 16006 Waterloo, 15812 Waterloo, 15800 Waterloo, 15712 Waterloo, 15704 Waterloo, E. 157th and Waterloo, 15610 Waterloo, 15602 Waterloo, 15504 Waterloo, 15430 Waterloo, 15414 Waterloo, 15322 Waterloo, 15300 Waterloo, 15311 Waterloo, Slov. Home Parking, 15425 Waterloo, 15509 Waterloo, 15515 Waterloo, 382 E. 156th St., 376 E. 156th St., 362 E. 156th St., 15613 Waterloo, 15718 Waterloo, 15813 Waterloo, 16005 Waterloo and 16021 Waterloo, for the period from November 16, 1998 to January 8, 1999, inclusive, publicizing the Holiday Season.

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 Northeast Shores Development Corporation to install, maintain and remove

banners/holiday lights across E. 161st and Waterloo (pole nos. A4075 & 18060), 16006 Waterloo, 15812 Waterloo, 15800 Waterloo (pole no. A2784), 15712 Waterloo (pole no. A2783), 15704 Waterloo (pole no. A2782), E. 157th and Waterloo, 15610 Waterloo, 15602 Waterloo, 15504 Waterloo (pole no. A2778), 15430 Waterloo, 15414 Waterloo (pole no. A2775), 15322 Waterloo, 15300 Waterloo, 15311 Waterloo, Slov. Home Parking (pole no. 723804), 15425 Waterloo (pole no. 723082), 15509 Waterloo (pole no. 518480), 15515 Waterloo (pole no. A2720), 382 E. 156th St., 376 E. 156th St., 362 E. 156th St. (pole no. A2672), 15613 Waterloo, 15718 Waterloo, 15813 Waterloo, 16005 Waterloo and 16021 Waterloo (pole no. 523906), for the period from November 16, 1998 to January 8, 1999, inclusive. Said banners/holiday lights 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 banners/holiday lights will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners/holiday lights and said banners/holiday lights shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 2014-98.**  
By Councilman Polensek.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch banners/holiday lights across East 185th Street at 18482 Lakeshore Blvd., 542 East 185th Street, 632 East 185th Street, 694 East 185th Street, 726 East 185th Street, 782 East 185th Street, 832 East 185th Street, 910 East 185th Street and 1010 East 185th Street, for the period from November 30, 1998 to January 5, 1999, inclusive, publicizing the Holiday Season.

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 Northeast Shores Development Corporation to install, maintain and remove banners/holiday lights across East 185th Street at 18482 Lakeshore Blvd., 542 East 185th Street, 632 East

185th Street, 694 East 185th Street, 726 East 185th Street, 782 East 185th Street, 832 East 185th Street, 910 East 185th Street and 1010 East 185th Street, for the period from November 20, 1998 to January 5, 1999, inclusive. Said banners/holiday lights 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 banners/holiday lights will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners/holiday lights and said banners/holiday lights shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 2018-98.**  
By Councilmen Melena and Cinton.

**An emergency ordinance consenting to and approving the issuance of a permit for the Kilometers for Kids on May 2, 1999, sponsored by West Side Ecumenical Ministries.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Kilometers for Kids, sponsored by the West Side Ecumenical Ministries, on May 2, 1999, beginning at the West Side Market lot, west on Lorain across West 25th, north on West 25th to West 28th, north on West 28th to Bridge, west on Bridge to West 38th, north on West 38th to Franklin, west on Franklin to West 65th, north on West 65th to West Clinton, east on West Clinton to West 58th, north on West 58th to Detroit, east on Detroit to 5209 Detroit, WSEM's Administrative Center, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

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

**Ord. No. 2020-98.**  
By Councilman Cimperman.

**An emergency ordinance consenting to and approving the issuance of a permit for the Turkey Trot Race on November 26, 1998, sponsored by Hermes Race Systems.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Turkey Trot Race, sponsored by Hermes Race Systems, on November 26, 1998, beginning with a 1 mile fun walk starting inside Burke Lakefront Airport Driveway, exits the entrance driveway and proceeds eastbound on the North Marginal to just before the curve and turns around to go westbound on the North Marginal where it re-enters where it came out. The 5K run steps off from airport driveway and leaves through the entrance drive proceeding westbound on the North Marginal down Erieside around the stadium, southbound on W. 3rd Rd. to Lakeside, westbound on Lakeside down under the bridge to W. 9th where it turns onto Front Street and goes to W. 10th, turning southbound to St. Clair, runners turn up the St. Clair hill and proceed eastbound on St. Clair to W. 3rd where they turn northbound onto W. 3rd and go to Lakeside where they turn eastbound and go down Lakeside to E. 9th, runners turn northbound onto E. 9th, staying in the west curb lane and go to the exit ramp of 90 where they go down the exit ramp (curb lane-coned off) and wrap around the Amtrack Station and then proceed eastbound on to the South Marginal. At E. 26th, they cross over the freeway and then proceed westbound onto the North Marginal where they finish inside the Airport, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**

**Res. No. 2015-98.**

By Councilmen Lewis, Jones, Patmon, Melena, Zone, Westbrook, Polensek, Jackson, Johnson and Dolan.

**An emergency resolution urging the President of the United States to request an investigation of the Ugandan Tuberculosis Study and other medical research practices where experiments are conducted on patient populations who are diagnosed with a specific health disease to determine the effectiveness of new drugs and medications in treating certain diseased conditions and if such research can be harmful to the health of those participants in such studies.**

Whereas, the Monday, November 9, 1998, Cleveland Plain Dealer Newspaper carried the news article entitled "Living Proof, Ugandans in American-run study expected treatment, but some pills were dummies" that reported a study sponsored by the United States Government conducted by Researchers for Case Western Reserve University and the Center for Disease Control on a population of 2,018 Ugandans with HIV and latent tuberculosis; and

Whereas, this medical research study had randomly assigned this specific population to different groups that consisted of a treated and untreated group; and

Whereas, the untreated control group was not to be given anti-tuberculosis medications until being fully diagnosed with the disease, which constituted withholding a proven drug from a patient population in need of such medication; and

Whereas, the Council of the City of Cleveland is concerned about the research methodology of such medical experiments by medical centers and universities specializing in medical research that are being conducted on certain populations of individuals who have specific diseases in order to determine the effectiveness of new or present drugs in treating certain diseases, while withholding such medications from a control group population who have been diagnosed with a specific health disease; and

Whereas, the untreated control group population in such studies do not receive any kind of medication or therapy to treat their diseased condition, which can exacerbate their medical condition and places them at further risk of deteriorating health; now, therefore,

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

**Section 1.** That the Council of the City of Cleveland urges the President of the United States, the Ohio House of Representatives and members of Congress to strongly urge the United States Federal Government to conduct a full scale investigation on these controversial medical research practices and to determine if another more appropriate alternative can be identified where the health of those individuals participating in such experiments are not put at risk.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution to the President of the United States, Donna Shalala, Secretary of Health and Human Services, Ohio Senate, Ohio House of Representatives, Ohio Senators John H. Glenn and Michael DeWine, and United States Congressmen Louis Stokes and Dennis Kucinich.

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

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

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

**Res. No. 2016-98.**

**By Councilman Cimperman.**  
**An emergency resolution objecting to the transfer of location of a D5 and D6 Liquor Permit to 3061 Payne Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a D5 and D6 Liquor Permit from Permit No. 5237927, Little Kings Lounge Inc., 3009 Payne Ave., 1st Fl. & Patio, Cleveland, Ohio 44114, to Permit No. 52379270001, Little Kings Lounge Inc., DBA Little Kings Lounge, 3061 Payne Ave., Cleveland, Ohio 44114; 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 location of a D5 and D6 Liquor Permit from Permit No. 5237927, Little Kings Lounge Inc., 3009 Payne Ave., 1st Fl. & Patio, Cleveland, Ohio 44114, to Permit No. 52379270001, Little Kings Lounge Inc., DBA Little Kings Lounge, 3061 Payne Ave., Cleveland, Ohio 44114 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 2017-98.**

**By Councilman Jackson.**  
**An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 6017 Quincy Ave., and repealing Res. No. 1056-98, objecting to said issuance.**

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 6017 Quincy Ave., by Res. No. 1056-98, adopted June 8, 1998; and

Whereas, this Council wishes to withdraw its objection to the above issuance and consents to said issuance; 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 issuance of a C1 Liquor Permit to 6017 Quincy Ave., be and the same is hereby withdrawn and Res. No. 1056-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

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

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

**Res. No. 2019-98.**

**By Councilman Polensek.**  
**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 16826 Lake Shore Blvd.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 5827053, Melo Tavern Inc., 16826 Lake Shore Blvd., Cleveland, Ohio 44110, to Permit No. 16826 Lake Shore Blvd. Inc., 16826 Lake Shore Blvd., Cleveland, Ohio 44110; 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 Liquor Permit from Permit No. 5827053, Melo Tavern Inc., 16826 Lake Shore Blvd., Cleveland, Ohio 44110, to Permit No. 16826 Lake Shore Blvd. Inc., 16826 Lake Shore Blvd., Cleveland, Ohio 44110 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 from and after the earliest period allowed by law.

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

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

**SECOND READING  
EMERGENCY ORDINANCES**

**Ord. No. 1082-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend funds and to enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

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

1. Insert new Sections 4 and 5 to read, respectively, as follows:

**"Section 4. That the board of each of the non-profit agencies funded by this ordinance must include at least two former or current homeless clients and two employees of the non-profit agencies funded pursuant to this ordinance. The two employees shall not be employed by the agency on whose board they are members. These individuals must join the board of these agencies within 6 months of receiving funds pursuant to this ordinance.**

**That the non-profit agencies to be funded pursuant to this ordinance, shall work with the Cleveland Department of Health to provide testing opportunities and prevention information on HIV, sexually transmitted diseases and other communicable diseases. The employees of these agencies must be trained in the prevention and education of these diseases.**

**Section 5. That the contracts authorized by Sections 1 and 2 of this ordinance shall be in the amounts described in the Funding Recommendations contained in File No. 1082-98-A. If these funding recommendations are changed, or if new agencies are added to the list, the Director of Community Development must receive Council authorization before entering into a contract or contracts for the new amount or with the added agency."**

2. Renumber existing Sections 4 and 5, respectively, to new "Section 6" and "Section 7".

Amendments agreed to.

**Ord. No. 1598-98.**

By Councilman Sweeney (by departmental request).

An emergency ordinance to vacate a portion of West 200th Street, Elsmere Avenue S.W., West 198th Street, West 191st Street, Wagner Place S.W., Maplewood Avenue S.W., and Maplewood Avenue S.W. hereinafter described.

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

**Ord. No. 1723-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Public Health for the STD - Diagnostic and Treatment Services.

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

1. In the title, line 3, strike "and accept".

2. In Section 1, line 2, strike "and accept"; and in line 5, insert a period after "Services" and strike the remainder of the section.

Amendments agreed to.

**Ord. No. 1817-98.**

By Councilmen Gordon, Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Gergel-Kellem Company, Inc. and G-K LTDd.b.a. Watt Printers to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to renovate and to acquire machinery and equipment at their facility located at 4544 Hinckley Industrial Parkway, in the Cleveland Area Enterprise Zone.

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

1. In Section 3, at the end, add the following: **"The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization of City Council."**

Amendments agreed to.

**SECOND READING EMERGENCY  
ORDINANCES PASSED**

**Ord. No. 1814-98.**

By Councilman Dolan (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Fairview Health System to encroach into the aerial rights-of-way of Old Lorain Road with a new hospital building, pedestrian bridge and support columns.

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

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

**Ord. No. 1895-98.**

By Councilman Dolan.

An emergency ordinance to repeal Ordinance No. 1737-98, passed September 28, 1998 concerning the change of a street name.

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

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

**THIRD READING EMERGENCY  
ORDINANCES PASSED**

**Ord. No. 1644-97.**

By Councilman Jackson (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Ameritech to encroach into the public right-of-way of East 40th Street at Carnegie Avenue with an above-ground telephone equipment cabinet to provide services in this area.

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

**Ord. No. 1651-97.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block A of the Cleveland Industrial Park to West 25th Street Partners.

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

**Ord. No. 1264-98.**

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

An emergency ordinance authorizing the Director of Community Development to transfer property described as property located on Marshall Avenue, to the control, possession and use of the Department of Parks, Recreation and Properties.

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

**Ord. No. 1265-98.**

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

An emergency ordinance authorizing the Director of Community Development to transfer property described as Permanent Parcel Nos. 004-02-036 and 004-02-037, to the control, possession and use of the Department of Parks, Recreation and Properties.

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

**Ord. No. 1600-98.**

By Councilman Cintron (by departmental request).

An emergency ordinance to vacate a portion of Stone Court N.W.

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

**Ord. No. 1610-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Boise Cascade Office Products to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to relocate and expand its facilities to 17909 Cleveland Parkway in the Cleveland Area Enterprise Zone.

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

**Ord. No. 1724-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said director to enter into contracts for the purchase of equipment and supplies necessary to implement the program.

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

**Ord. No. 1726-98.**

By Councilmen Coats and Johnson (by departmental request).

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

the Department of Justice - Office for State & Local Domestic Preparedness for the State & Local Domestic Preparedness Equipment Support Program, and to enter into contract for the purchase of equipment necessary to implement the Program.

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

**Ord. No. 1729-98.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on Miles Avenue to Rite Aid of Ohio, Inc.; and reserving certain easement rights for the public purpose of ingress, egress and street widening.

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

**Ord. No. 1766-98.**

By Councilmen Cintron, Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Infant Mortality Reduction (Initiative) Grant; and to enter into contract with Lutheran Metropolitan Ministry to implement the program.

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

**Ord. No. 1812-98.**

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of paper stock and envelopes, for the various divisions of City government.

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

**Ord. No. 1813-98.**

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of messenger services, for the various divisions of City government, for a period not to exceed two years.

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

**THIRD READING EMERGENCY RESOLUTIONS ADOPTED**

**Res. No. 1613-98.**

By Councilman Westbrook (by request).

An emergency resolution declaring the intention to vacate all that portion of Sommer Court, N.W.

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

**Res. No. 1614-98.**

By Councilman Rybka (by request).

An emergency resolution declaring the intention to vacate portions of Harvard Pl. S.E. and an Unnamed Alley West of Harvard Pl. S.E. and Northerly of Harvard Ave.

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

**Res. No. 1615-98.**

By Councilman Melena (by request).

An emergency resolution declaring the intention to vacate all that portion of West 62nd Place.

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

**Res. No. 1859-98.**

By Councilman Johnson (by departmental request).

An emergency resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies certifying them to the County Auditor.

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

**Res. No. 1860-98.**

By Councilman Johnson (by departmental request).

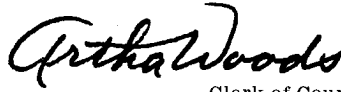
An emergency resolution requesting the County Auditor to make tax advances during the year 1999, pursuant to Section 321.34, Ohio Revised Code.

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

**MOTION**

By Councilman Coats, seconded by Councilman Zone and unanimously carried that the absence of Councilman Patricia J. Britt be and is hereby authorized.

The Council adjourned at 8:05 p.m. to meet at 7:00 p.m. on Monday, November 23, 1998.



Clerk of Council

**THE CALENDAR**

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

**ORDINANCES**

**Ord. No. 1082-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend funds and to enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

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 Community Development is hereby authorized to expend funds and enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program.

**Section 2.** That the aggregate cost authorized in Section 1 of this ordinance shall be in an amount not to exceed \$1,208,000.00, and shall be paid from Fund No. 13 SF 874 and RL 23113.

**Section 3.** That the Director of Community Development is hereby authorized to enter into contract with Cuyahoga County to operate the Cleveland/Cuyahoga County Office of Homeless Services.

**Section 4.** That the board of each of the non-profit agencies funded by this ordinance must include at least

two former or current homeless clients and two employees of the non-profit agencies funded pursuant to this ordinance. The two employees shall not be employed by the agency on whose board they are members. These individuals must join the board of these agencies within 6 months of receiving funds pursuant to this ordinance.

That the non-profit agencies to be funded pursuant to this ordinance, shall work with the Cleveland Department of Health to provide testing opportunities and prevention information on HIV, sexually transmitted diseases and other communicable diseases. The employees of these agencies must be trained in the prevention and education of these diseases.

**Section 5.** That the contracts authorized by Sections 1 and 2 of this ordinance shall be in the amounts described in the Funding Recommendations contained in File No. 1082-98-A. If these funding recommendations are changed, or if new agencies are added to the list, the Director of Community Development must receive Council authorization before entering into a contract or contracts for the new amount or with the added agency.

**Section 6.** That the cost of said contract authorized in Section 3 of this ordinance shall be in an amount not to exceed \$45,000.00 and shall be paid from Fund No. 14 SF 023 and RL 23113.

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

**Ord. No. 1598-98.**

By Councilman Sweeney (by departmental request).

An emergency ordinance to vacate a portion of West 200th Street, Elmsmere Avenue S.W., West 198th Street, West 191st Street, Wagner Place S.W., Maplewood Avenue S.W., and Maplewood Avenue S.W. hereinafter described.

**Ord. No. 1723-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for a grant from the Ohio Department of Public Health for the STD - Diagnostic and Treatment Services.

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for a grant in the approximate amount of \$126,000, and any other funds as they become available during the grant term, from the Ohio Department of Public Health, to conduct the STD - Diagnostic and Treatment Services.

**Section 2.** That the application for said grant, File No. 1723-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That this ordinance is hereby declared to be an emergency



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

**Ord. No. 1817-98.**

By Councilmen Gordon, Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Gergel-Kellem Company, Inc. and G-K LTD d.b.a. Watt Printers to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to renovate and to acquire machinery and equipment at their facility located at 4544 Hinckley Industrial Parkway, in the Cleveland Area Enterprise Zone.

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

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

Whereas, Gergel-Kellem Company, Inc. and G-K LTD d.b.a. Watt Printers (the "Enterprise") has proposed to renovate and to acquire machinery and equipment at their facility located at 4544 Hinckley Industrial Parkway; and

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

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

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

**Section 1.** That this Council hereby approves the application of Gergel-Kellem Company, Inc. and G-K LTD d.b.a. Watt Printers for enterprise zone incentives on the basis that Gergel-Kellem Company, Inc. and G-K LTD d.b.a. Watt Printers are qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Gergel-Kellem Company, Inc. and G-K LTD d.b.a. Watt Printers to provide for a ten (10) year abatement for certain tan-

gible personal property and real estate taxes as an incentive to renovate and to acquire machinery and equipment at their facility located at 4544 Hinckley Industrial Parkway in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1817-98-A. **The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization of City Council.**

**Section 4.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from fund No. 17 SF 305, Loan Fees Fund.

**Section 5.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 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.

## BOARD OF CONTROL

November 11, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 11, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Absent: None.

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

On motion, the following resolutions were adopted.

**Resolution No. 754-98.**

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Orion Painting & Contracting, Inc. for an estimated quantity of Painting of Streetside Elements (all items) for the Division of 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 September 10, 1998, pursuant to the authority of Ordinance No. 293-98, passed March 23, 1998, which on the basis of the estimated quantity would amount to approximately One Hundred Seventy Thousand Six Hundred-Fifty and 00/100 Dollars, (\$170,650.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Direc-

tor 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. 110588

which shall be certified against such contract in the sum of Eighty Five Thousand and no/100 Dollars (\$85,000.00).

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 Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

**Resolution No. 755-98.**

By Director Balraj.

Resolved, by the Board of Control of the City of Cleveland that the bid of American Merchandising Services (MBE) for an estimated quantity of De-icing Agents Item No. 1 (Urea), Items No. 2a and No. 2b (Potassium Acetate) and Items No. 3a and No. 3b (Sodium Formate), for the Division of various divisions of the Department of Port Control, for a period of two (2) years commencing with the execution of a contract received on the 23rd day of September, 1998, pursuant to the authority of Ordinance No. 990-98, passed June 15, 1998 on the basis of the estimated quantity would amount to Two Million, Four Hundred and Eighty-One Thousand, Four Hundred and 00/100 Dollars, (\$2,481,400.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control 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. 29907

which shall be certified against such contract in the sum of One Hundred Twenty-Four Thousand and Seventy and 00/100 Dollars (\$124,070.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

**Resolution No. 756-98.**

By Director Jackson

Be it resolved by the Board of Control of the City of Cleveland that the bid of Messina Floor Covering, Inc., including alternate nos. 1, 2, and 3, for the public improvement of City Hall Carpet Replacement, Community Development, for the Divi-

sion of Property Management, Department of Parks, Recreation and Properties, received on July 15, 1998, pursuant to the authority of Ordinance Nos. 1282-96, 321-98, and 1691-98, passed October 14, 1996, April 6, 1998 and October 19, 1998, respectively for a gross price for the improvement in the aggregate amount of One Hundred Forty Eight Thousand Three Hundred Seventy Two and No/100 Dollars (\$148,372.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, that the employment of the following sub-contractors to Messina Floor Covering, Inc. is hereby approved:

George Allen Construction  
Company, Inc.  
MBE 25%

Contract Surface Products, Inc.  
MBE 23%

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 757-98.**

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that the bid of U.S. Office Products, base bid Nos. 3, 4, 6, 8 and 9, for the public improvement of New Office Furniture for Cleveland City Hall, Civil Service/Personnel, for the Division of Property Management, Department of Parks, Recreation and Properties, received on October 22, 1998, pursuant to the authority of Ordinance No. 1282-96 passed October 14, 1996, for a gross price for the improvement in the aggregate amount of Twelve Thousand Nine Hundred Eighty Eight and 52/100 Dollars (\$12,988.52), is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 758-98.**

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Today's Office, Inc., base bid No. 5, for the public improvement of New Office Furniture for Cleveland City Hall, Civil Service/Personnel, for the Division of Property Management, Department of Parks, Recreation and Properties, received on October 22, 1998, pursuant to the authority of Ordinance No. 1282-96 passed October 14, 1996, for a gross price for the improvement in the aggregate amount of Two Thousand Seven Hundred Eighty Eight and 68/100 Dollars (\$2,788.68), is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for

said improvement with said bidder.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 759-98.**

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Boise Cascade Office Products, base bid Nos. 1, 2, and 7, for the public improvement of New Office Furniture for Cleveland City Hall, Civil Service/Personnel, for the Division of Property Management, Department of Parks, Recreation and Properties, received on October 22, 1998, pursuant to the authority of Ordinance No. 1282-96 passed October 14, 1996, for a gross price for the improvement in the aggregate amount of Twenty One Thousand Nine Hundred Sixty Three and No/100 Dollars (\$21,963.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 760-98.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 106-21-060 under said Land Reutilization Program; and

Whereas, Ordinance No. 1109-98 passed October 12, 1998, 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, Earthie M. Carter 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. 1109-98 passed October 12, 1998, 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 Earthie M. Carter for the sale and development of Permanent Parcel No. 106-21-060, 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 \$1.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 761-98.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 004-15-045 located at 2127 West 10th Street in Ward 13; and

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

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

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Paul Kapczuk for the sale and development of Permanent Parcel No. 004-15-045 located at 2127 West 10th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 762-98.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 4, 1998 for powdered activated carbon for the Division of Water, Department of Public Utilities, pursuant to the authority of Section 129.24 of the Codified Ordinance of Cleveland, Ohio, 1976, are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 763-98.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 110-10-056 and 110-10-055 under said Land Reutilization Program; and

Whereas, Ordinance No. 1976-98 passed November 9, 1998, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1976-98 passed November 9, 1998, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Northeastern Neighborhood Development Corporation or designee for the sale and development of Permanent Parcel Nos. 110-10-056 and 110-10-055, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES****General Information**

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

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

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

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

FREDDIE J. FENDERSON,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, NOVEMBER 30, 1998**

**9:30 A.M.**

**Calendar No. 98-232:** Appeal of Charles Murray

Charles F. Murray, dba VHC Inc., at 3695 East 131st Street, appeals under Section 76-6 of the Charter of the City of Cleveland and Section 692.02 of the Codified Ordinances from the refusal by Commissioner Robert Schneider, Division of Assessments and Licenses, to approve a music license pursuant to the recommendation of Director William Denihan, Department of Public Safety.

**Calendar No. 98-233:** 2223 Murray Hill Road

Murray Hill Properties Ltd., Inc., owners c/o Ramona Mesi, president, appeal to construct a 28' x 70' two-story, 4 dwelling units apartment building to an existing 28' x 40' four-suites apartment building all on a 36' x 201' parcel and located in a C-1 Multi-Family District on the east side of Murray Hill at 2223 Murray Hill Road at 2223 Murray Hill Road, said construction being contrary to Section 357.09 where the required interior side yard is to be 8' and 0' is proposed and contrary to the lot area density where in a C district a maximum 1/2 lot size to gross floor area or 3618 sq. ft. gross floor area is permitted and 7376 sq. ft. is proposed per Section 355.04 of the Codified Ordinances.

**Calendar No. 98-234:** 3595 West Park Road

Bohdan Bodnarchuk, owner, and Holy Resurrection Orthodox Church, tenant, and Dale Mitchell, agent, appeal to change the use of an existing 25' x 40' one-story masonry retail building into a church located on a 29' x 146' parcel and located in a Local Retail Business District at 3595 West Park Road; said use being contrary to Section 343.01(b)(1) where uses are allowed as regulated and contrary to the Residential District Regulations where in the least restrictive adjoining residential district church use requires a 15' side yard and 0' is proposed per Section 357.02(e)(1) of the Codified Ordinances.

**Calendar No. 98-235:** 3199 West 25th Street

Ralph Gonzales, owner, and Michael Hall, tenant, appeal to renovate an existing 148' x 33' two-story masonry warehouse building into an auto repair garage on the first floor, to store cars waiting for repair in the rear lot and place storage on the second floor and construct an 11 car parking lot (to the east of the 33' x 148' two-story masonry warehouse building), on a 51' x 91' parcel, all creating an "L" shaped parcel located in a Semi-Industry District on the east side of West 25th Street near the corner of Althen Avenue and West 25th Street at 3199 West 25th Street; said renovation being contrary to Section 345.03C(2) of the Industrial District Regulations where an auto repair garage is required to be 100' away from a residential district and Section 349.04(g) of the Off-Street and Parking Requirements where 15 parking spaces are required and 11 are proposed and

Section 349.13C where a parking lot in a residential district requires the Board of Zoning Appeals approval and Section 349.05(a) where the proposed parking is to be 10' away from a residential district and contrary to the landscaping plan required along Althen Avenue at the parking spaces as indicated by the Landscaping and Screening Requirements of Sections 352.10 and 352.11 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, NOVEMBER 16, 1998**

At the Meeting of the Board of Zoning Appeals on Monday, October 26, 1998, the following appeals were heard by the Board:

The following appeal was **Approved**:

**Calendar No. 98-223:** 5910 Memphis Avenue

Ken Frankenberry, owner, and AutoZone, Inc., prospective purchaser c/o Mark Mox, agent, appealed to erect a 66' x 115' 4" one-story, masonry retail store for sales of auto parts and to install parking accessory thereto on a 125' x 297' corner parcel in a General Retail Business District and a One-Family District.

The following appeal was **Denied**:

**Calendar No. 98-202:** Appeal of

Michael B. Robinson  
Michael B. Robinson appealed under Section 76-6 of the Charter of the City of Cleveland and Section 670.22 of the Codified Ordinances from the revocation of an armed security guard license.

The following appeals were **Postponed**:

**Calendar No. 98-224:** 3979 Pearl Road postponed to November 30, 1998.

**Calendar No. 98-225:** 2265 West 7th Street postponed to December 7, 1998.

**Calendar No. 98-226:** 2109 West 7th Street postponed to December 7, 1998.

**Calendar No. 98-227:** 2103 West 7th Street postponed to December 7, 1998.

**Calendar No. 98-228:** 2119 West 7th Street postponed to December 7, 1998.

**Calendar No. 98-206:** 3520 East 116th Street postponed to December 14, 1998.

**Calendar No. 98-215:** 3337 Central Avenue postponed to December 7, 1998.

**On Monday, November 16, 1998, in Executive Session:**

The following appeals were heard on Monday, November 9, 1998, and said decisions to **GRANT** were approved and adopted by the Board on November 16, 1998:

**Calendar No. 98-221:** 2049 West 106th Street

Jennings and Zelma Smith, owners, appealed to construct a 19' x 14' one-story frame bedroom and bathroom addition to the rear of an existing 19' x 50' one family dwelling house in a Two-Family District.

**Calendar No. 98-222:** 2515 Market Avenue aka 2528 Lorain Avenue  
One Market Square Ltd., Partnership, owner c/o Michael K. Dostal and James Hayes, appealed to change the use and renovate the second, third and fourth floors of an existing 45' x 100' four-story masonry commercial building into twelve residential apartments in a General Retail District on the northerly side of Lorain Avenue and the southerly side of Market Avenue.

The following appeals were heard on Monday, November 9, 1998, and said decision to **REFUSE** were approved and adopted by the Board on November 16, 1998:

**Calendar No. 98-169:** 6605 Clark Avenue  
1799-1873 Beall Avenue Company Incorporated, owners c/o Stuart J. Graines, appealed from the issuance of a Violation Notice on July 20, 1998 by the Division of Environment, Department of Public Health.

**Calendar No. 98-205:** 1906 East 82nd Street  
Madonna Hall, Inc., c/o Ranelle Gamble, its statutory agent, by and through their attorney Sheila Cooley, appealed from the Violation Notice issued August 10, 1998 by the Department of Public Health.

**Calendar No. 98-219:** 17721 South Miles Road, S.E.  
John Smith, owner, and Gregory Jones, tenant, appealed to change use of the southerly portion of an existing 136' x 40' one-story masonry warehouse building into an auto repair garage situated on a 160' x 80' lot in a Semi-Industry District.

EUGENE CRANFORD, JR.,  
Secretary

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

Re: Report of the Meeting of  
November 11, 1998

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

\* \* \*

**Docket A-139-96.**

RE: Appeal of Alan Landy, Owner of the Property located on the premises known as 4000 East 71st Street from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated April 18, 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 November 25, 1998.

**Docket A-76-98.**

RE: Appeal of Cleveland Container Recycling Corp., Owner of the Property located on the premises known as 9520 Richmond Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated March 24, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 9520 Richmond Avenue to the Division of Fire for required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-132-98.**

RE: Appeal of Aetna Properties, Owner of the Property located on the premises known as 3603 East 82nd Street from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated June 29, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled if required.

\* \* \*

**Docket A-140-98.**

RE: Appeal of Brent K. Young and Mark J. Sudduth, Owners of the Property located on the premises known as 4400-08 Perkins Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated July 23, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date, the docket will remain open for any future appeals and that the advice of the Board that the Appellants can not proceed with the foundry activities until they get a "Certificate Of Occupancy".

\* \* \*

**Docket A-150-98.**

RE: Appeal of John Zubal, Owner of the Property located on the premises known as 2020 Clark Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated June 26, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled in thirty days (30 das.), December 23, 1998.

\* \* \*

**Docket A-158-98.**

RE: Appeal of LamPro, Inc., Owner of the Property located on the premises known as 4701 Crayton Avenue/Unit A from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated August 21, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, that having reviewed the facts and based on the evidence presented, a motion is in

order at this time to find that a fire suppression system is required and to REMAND the property at 4701 Crayton Avenue/Unit A to the Division of Fire for supervision and required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-160-98.**

RE: Appeal of The Bank of New York, Mortgagee of the Residential Property located on the premises known as 3569 West 127th Street from a CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated September 1, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) from November 1, 1998 in which to obtain permits and abate the violations. 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 required further action. All other provisions of the CONDEMNATION ORDER/MAIN STRUCTURE 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 February 1, 1999. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-163-98.**

RE: Appeal of Scidem, Inc., and Multi-Care Services, Inc./Madonna Hall, Inc., Owner (Scidem, Inc.) and Management of the facility (Multi-Care Services, Inc./Madonna Hall, Inc.) of the ninety-nine (99) bed nursing home facility located on the premises known as 1906 East 82nd Street from NOTICES OF VIOLATIONS of the Commissioner of the Division of Building and Housing dated August 25, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-163-98 has been POSTPONED; to be rescheduled for November 25, 1998.

\* \* \*

**Docket A-165-98.**

RE: Appeal of Ian J. Abrams, Owner of the Commercial One-Story Steel, Semi-Industry Property located on the premises known as 8300 Bessemer Avenue (Rear) from a 72 HOUR EMERGENCY DETERIORATED/MS of the Commissioner of the Division of Building and Housing dated September 22, 1998, requiring compliance with the Codified

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

Docket A-165-98 has been POSTPONED; to be rescheduled for December 9, 1998.

\* \* \*

**Docket A-169-98.**

RE: Appeal of Donald Ksiezzyk, Owner of the Two-story Frame Bar and Three Dwelling Units located on the premises known as 5612 Harvard Avenue from a VACATE/CONDEMNATION ORDER/STOP WORK ORDER/HVAC/ELECTRICAL/PLUMBING of the Commissioner of the Division of Building and Housing dated August 27, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, that having reviewed the facts presented, a motion is in order at this time to REMAND the property at 5612 Harvard Avenue to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-170-98.**

RE: Appeal of Donald Ksiezzyk, Owner of the One-story Frame Bar and Three Dwelling Units located on the premises known as 3127-29 West 25th Street (aka 2416 Kinkel Avenue) from a NOTICE OF VIOLATION - HVAC of the Commissioner of the Division of Building and Housing dated September 1, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3127-29 West 25th Street (aka 2416 Kinkel Avenue) to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-173-98.**

RE: Appeal of Michael F. Piszczor Jr., Owner of the Two & One-Half-Story Frame Residential Property located on the premises known as 7940-42 Broadway Avenue from a CONDEMNATION ORDER/MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated August 26, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant two (2 mos.) in which to sell or rehabilitate the property and to require that the City recite the new owner when the property is sold. 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 required further action. All other provisions of the CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by January 25, 1999. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-174-98.**

RE: Appeal of Zachariha Cohen, Owner of the Single-Family Residential Property located on the premises known as 17419 Dorchester Drive from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated August 19, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 17419 Dorchester Drive to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

\* \* \*

**Docket A-176-98.**

RE: Appeal of William and Evelyn Hughes, Owners of the Three-Story Masonry Bar/4 Stores/12 Dwelling Units located on the premises known as 8632-36 Buckeye Road (aka 2641-59 Grand Avenue) from a VACATE-CONDEMNATION ORDERS/ELECTRICAL/EXTERIOR MAINTENANCE/STOP WORK ORDER of the Commissioner of the Division of Building and Housing dated September 24, 1998, 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 VACATE-CONDEMNATION ORDERS/ELECTRICAL/EXTERIOR MAINTENANCE/STOP WORK ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one month (1 mo.) in which to obtain permits and two (2 mos.) in which to abate the hazardous violations as alienated by the inspector; if these conditions are being met, the tenants may remain in the property. 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 required further action. All other provisions of the CONDEMNATION ORDER/ELECTRICAL/EXTERIOR MAINTENANCE/STOP WORK ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the

premises by means of demolition if abatement of the violations is not completed by February 25, 1999. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan. Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

\* \* \*

**Docket A-182-98.**

RE: Appeal of Eliza Bryant Center, Owners of the Adult Day Care/Outreach addition located on the premises known as 7201 Wade Park Avenue from SUPPLEMENTARY CONDITIONS of the Commissioner of the Division of Building and Housing dated October 13, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

The required information has been submitted, no action will be taken on the docket this date; the Board will make a resolution at the next Board hearing November 25, 1998.

\* \* \*

**Docket A-194-98.**

RE: Appeal of Pentecostal Church of God, Owner of the Proposed Church located on the premises known as 3179 West 25th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated October 8, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the proposed use of the building as a church, noting that the occupancy will be limited to two-hundred (200) people; and that a complete hardwired smoke detection system with audible alarms and supervised reporting to a supervising authority be installed, and that visual 24-hour signals be installed over the door openings into the alley indicating when the doors are being opened. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-195-98.**

RE: Appeal of Zaremba Bolivar, Owner of the Four-Story Masonry Property located on the premises known as 737 Bolivar Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated October 5, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to OBBC Section 1010.2 and permit the second and third floor to be occupied as proposed for 2,670 s.f. with only one exit for occupancy, noting that the balance of the floors will not at this time to be occupied, and grant the variance to OBBC Section 1014.6.1 and permit the required stair risers to be 7-3/8" as proposed, noting that the adjacent stairs are similar, and to require an analysis of the stairs in the building for a proposed future occupancy to be submitted to the

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

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

\* \* \*

**Docket A-196-98.**

RE: Appeal of Bruce Felder, Owner of the One-Story Property located on the premises known as 4747 West 160th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated October 29, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the property line limitation requirements, noting that the property has an 18-foot driveway and approximately 20-foot distance between the property line and the building; that no openings would be put in the building wall and that the adjacent property also has approximately 20-foot of space before the building construction, noting that these issues are to be represented and filed with the Board. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-200-98.**

RE: Appeal of Kwaku H. Duah, Owner of the Two-Family Residential Property located on the premises known as 2242 East 93rd Street from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated October 16, 1998, 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 a six month (6 mo.) "Extension of Time" on the permit in which to complete rehabilitation of the property; the property is REMANDED at this time to the Division of Building and Housing for supervision and any further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-203-98.**

RE: Appeal of Bridge Housing Corporation, Owner of the Proposed Townhouses located on the premises known as 5215-5307 Bridge Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 5, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to OPC 701.3 and permit the connection to be made as requested in the appeal statement, noting the common maintenance agreement of

the Appellant. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-208-98.**

RE: Appeal of Colonial Marketplace, LLC, Owner of the Property located on the premises known as 530 Euclid Avenue from a PARTIAL ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 5, 1998, 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 November 25, 1998.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Saunders 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):

- L-9-98—Frank G. Dzik
- A-64-98—John McPherson
- A-105-98—1799-1873 Beall Avenue Co., Inc.
- A-133-98—Burton Enterprises, Inc.
- A-141-98—Ginny Giangiacomo
- A-153-98—Theodore Weaver
- A-161-98—Jolly Properties Ltd.
- A-162-98—Frank L. and Nancy Craig
- A-175-98—Pricilla Washington

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Not Voting: Mr. Bowes.

\* \* \*

**APPROVAL OF MINUTES:**

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

October 28, 1998

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None. Not Voting: 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**

NONE

1938

**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."

**WEDNESDAY, NOVEMBER 25, 1998**

**Gym Floor Renovations**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1727-98, passed by the Council of the City of Cleveland, October 19, 1998.

**Auto/Truck Batteries**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1852-98.

November 11, 1998 and November 18, 1998

**WEDNESDAY, DECEMBER 2, 1998**

**Fire Hydrants and Fire Hydrant Parts**, 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.

**Powdered Activated Carbon**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of the City of Cleveland, 1976.

November 11, 1998 and November 18, 1998

**THURSDAY, DECEMBER 3, 1998**

**Keycards and Accessories**, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 355-98, passed by the Council of the City of Cleveland, April 6, 1998.

A **PRE-BID MEETING WILL BE HELD ON TUESDAY, NOVEMBER 17, 1998, 1:00 P.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.**

**Tree Trimming**, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1256-98, passed by the Council of the City of Cleveland, October 12, 1998.

A **MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, NOVEMBER 19, 1998, 2:00 P.M. 3RD FLOOR CONVENTION CENTER, 500 LAKESIDE AVENUE.**

**Arborecultural Work in the Downtown Tree Assessment District**, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1253-98, passed by the Council of the City of Cleveland, October 12, 1998.

November 11, 1998 and November 18, 1998

**FRIDAY, DECEMBER 4, 1998**

**Lubricants**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1848-98.

**Stationary Generator Repair**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1853-98.

**Meyer Snow Plow and Spreader Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1850-98.

**Three (3) Cab and Chassis with Utility Service Body (Light/Medium)**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

November 11, 1998 and November 18, 1998

**WEDNESDAY, DECEMBER 9, 1998**

**Bonds and Fidelity Coverages**, for the Department of Finance, as authorized by Section 171.11 through 171.17 of the Codified Ordinances of the City of Cleveland, 1976.

**Parma-Pearl-York 36" Water Supply Main, Section IV**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance Nos. 2563-89, 767-92 and 964-93, passed by the Council of the City of Cleveland, December 4, 1989, June 8, 1992 and June 14, 1993, respectively.

A **DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.**

A **PRE-BID MEETING WILL BE HELD ON MONDAY, NOVEMBER 30, 1998, 9:30 A.M. IN THE RADIO ROOM ON THE 2ND FLOOR IN THE ADMINISTRATION BUILDING AT THE HARVARD YARDS, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44109. ATTENDANCE AT THIS MEETING IS NOT MANDATORY.**

**Repair or Replace Fire Hydrants**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 754-98, passed by the Council of the City of Cleveland, June 8, 1998.

**Cleaning and Cement Mortar Lining of Trunk Water Mains, Area 98-T1**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1880-98.

A **DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.**

A **PRE-BID MEETING WILL BE HELD ON TUESDAY, DECEMBER 1, 1998, 10:00 A.M. AT HARVARD YARDS (TRAINING ROOM), 4600 HARVARD AVENUE, CLEVELAND, OHIO 44109.**

November 18, 1998 and November 25, 1998

**THURSDAY, DECEMBER 10, 1998**

**Gas Detection and Calibration Equipment**, for the Various Divisions of the Department of Public Utilities, as authorized by Ordinance No. 425-98, passed by the Council of the City of Cleveland, April 6, 1998.

A **MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, DECEMBER 3, 1998, 2:00 P.M. IN THE MAIN OFFICE OF CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO.**

**Labor and Materials to Install Handicap Restrooms in the Music Hall**, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 761-98, passed by the Council of the City of Cleveland, May 18, 1998.

A **MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, DECEMBER 1, 1998, 10:00 A.M. AT THE MUSIC HALL,**

**EAST 6TH AND ST. CLAIR AVENUE, CLEVELAND, OHIO.**

November 18, 1998 and November 25, 1998

**FRIDAY, DECEMBER 11, 1998**

**Four (4) Crew-Cab/Chassis with Dump Body/Back-of Cab Compartment**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 1113-97 and 1074-98, passed by the Council of the City of Cleveland, July 16, 1997 and June 15, 1998, respectively.

**One (1) Utility Tractor**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

November 18, 1998 and November 25, 1998

**WEDNESDAY, DECEMBER 16, 1998**

**Labor and Materials to Repair Water Mains and Appurtenances**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 546-98, passed by the Council of the City of Cleveland, May 18, 1998.

A **MANDATORY PRE-BID MEETING WILL BE HELD ON MONDAY, NOVEMBER 30, 1998, 10:00 A.M. IN THE CLEVELAND PUBLIC POWER CONFERENCE ROOM B, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**North Royalton Discharge Water Supply Mains**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 964-93, passed by the Council of the City of Cleveland, June 14, 1993.

A **DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.**

A **PRE-BID MEETING WILL BE HELD ON MONDAY, NOVEMBER 30, 1998, 9:30 A.M. IN THE RADIO ROOM ON THE 2ND FLOOR IN THE ADMINISTRATION BUILDING AT THE HARVARD YARDS, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44109. ATTENDANCE AT THIS MEETING IS NOT MANDATORY.**

**Wire**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

A **MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, DECEMBER 3, 1998, 10:00 A.M. AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO.**

November 18, 1998 and November 25, 1998

**ADOPTED RESOLUTIONS  
AND ORDINANCES**

**Res. No. 1969-98.**

**By Councilman Britt.**

**An emergency resolution objecting to the issuance of a D4 Liquor Permit to 2614 E. 128th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a D4 Liquor Permit to Permit No. 2400143, East Blvd. Athletic Club, 2614 E. 128th St., Cleveland, Ohio 44120; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a D4 Liquor Permit to Permit No. 2400143, East Blvd. Athletic Club, 2614 E. 128th St., Cleveland, Ohio 44120 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 9, 1998.  
Effective November 11, 1998.

**Res. No. 1970-98.**

**By Councilman Cimperman.**

**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 6611 St. Clair Ave.**

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. 04639680005, Ferdinand Baromir, DBA B-J Tavern, 6611 St. Clair, Cleveland, Ohio 44103, to Permit No. 4289654, Jimmie Richard, 6611 St. Clair Ave., Cleveland, Ohio 44103; 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. 04639680005, Ferdinand Baromir, DBA B-J Tavern, 6611 St. Clair, Cleveland, Ohio 44103, to Permit No. 4289654, Jimmie Richard, 6611 St. Clair Ave., Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 9, 1998.  
Effective November 11, 1998.

**Res. No. 1971-98.**

**By Councilman Cimperman.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 5510 St. Clair Ave. & Gas Pumps.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 3694682, Willie Haynes Sr., DBA Sohio BP Food Mart, 5510 St. Clair Ave. & Gas Pumps, Cleveland, Ohio 44103, to Permit No. 1115325, Burkanns Inc., 5510 St. Clair Ave. & Gas Pumps, Cleveland, Ohio 44103; 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 Liquor Permit from Permit No. 3694682, Willie Haynes Sr., DBA Sohio BP Food Mart, 5510 St. Clair Ave. & Gas Pumps, Cleveland, Ohio 44103, to Permit No. 1115325, Burkanns Inc., 5510 St. Clair Ave. & Gas Pumps, Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 9, 1998.  
Effective November 11, 1998.



**Res. No. 1972-98.**  
**By Councilman Coats.**  
**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 662 E. 140th St., 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 4203700, Eman Jaffal, DBA E & K Food Deal, 662 E. 140th St., 1st Fl. & Bsmt., Cleveland, Ohio 44110, to Permit No. 5439362, Maisam Corp., DBA Four M Food Market, 662 E. 140th St., 1st Fl. & Bsmt., Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 4203700, Eman Jaffal, DBA E & K Food Deal, 662 E. 140th St., 1st Fl. & Bsmt., Cleveland, Ohio 44110, to Permit No. 5439362, Maisam Corp., DBA Four M Food Market, 662 E. 140th St., 1st Fl. & Bsmt., Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 9, 1998.  
 Effective November 11, 1998.

**Res. No. 1973-98.**  
**By Councilman Lewis.**  
**An emergency resolution objecting to the transfer of ownership and location of a C2, C2X and D6 Liquor Permit to 9300 Wade Park, Unit A 38.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2, C2X and D6 Liquor Permit from Permit No. 8915888, 3600 Denison Ave. Inc., 3600 Denison Ave., 1st Fl., Cleveland, Ohio 44111, c/o Eugene Stevens, to Permit No. 0003588, AFD Grocery Inc., DBA WP Food, 9300 Wade Park Unit A 38, Cleveland, Ohio 44106; 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, more specifically, no previous and/or potential liquor permit holder should have a criminal conviction of any kind, including but not limited to, food stamp fraud or sale to underage minors; and

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership and location of a C2, C2X and D6 Liquor Permit from Permit No. 8915888, 3600 Denison Ave. Inc., 3600 Denison Ave., 1st Fl., Cleveland, Ohio 44111, c/o Eugene Stevens, to Permit No. 0003588, AFD Grocery Inc., DBA WP Food, 9300 Wade Park Unit A 38, Cleveland, Ohio 44106 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 9, 1998.  
 Effective November 11, 1998.

**Res. No. 1974-98.**  
**By Councilman Melena.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 5004 Storer Ave., and repealing Res. No. 1826-98, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 5004 Storer Ave., by Res. No. 1826-98, adopted October 12, 1998; 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, D2, D3 and D3A Liquor Permit to 5004 Storer Ave., be and the same is hereby withdrawn and Res. No. 1826-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted November 9, 1998.  
 Effective November 11, 1998.

**Res. No. 1975-98.**  
**By Councilman Patmon.**  
**An emergency resolution objecting to the transfer of location of a C1 and C2 Liquor Permit to 1144 E. 105th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a C1 and C2 Liquor Permit from Permit No. 03455980001, Azzam Brothers Inc., 5603 Fleet Ave., 1st Fl., Cleveland, Ohio 44105, to Permit No. 75642110005, Royal Foods Inc., DBA Royal Eagle, 1144 E. 105th St., Cleveland, Ohio 44108; 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 location of a C1 and C2 Liquor Permit from Permit No. 03455980001, Azzam Brothers Inc., 5603 Fleet Ave., 1st Fl., Cleveland, Ohio 44105, to Permit No. 75642110005, Royal Foods Inc., DBA Royal Eagle, 1144 E. 105th St., Cleveland, Ohio 44108 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 9, 1998.

Effective November 11, 1998.

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**Res. No. 1977-98.**  
**By Councilman Sweeney.**  
**An emergency resolution objecting to the transfer of ownership of a D5A and D6 Liquor Permit to 4181 W. 150th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5A and D6 Liquor Permit from Permit No. 0754664, Blend All Hotel Development Inc., 4181 W. 150th St., Cleveland, Ohio 44135, to Permit No. 4041470, Hudson Hotels Corp., DBA Holiday Inn Airport, 4181 W. 150th St., Cleveland, Ohio 44135; and

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

Whereas, the applicant does not

qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5A and D6 Liquor Permit from Permit No. 0754664, Blend All Hotel Development Inc., 4181 W. 150th St., Cleveland, Ohio 44135, to Permit No. 4041470, Hudson Hotels Corp., DBA Holiday Inn Airport, 4181 W. 150th St., Cleveland, Ohio 44135 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 9, 1998.

Effective November 11, 1998.

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**Res. No. 1978-98.**  
**By Councilman White.**  
**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 4563 Warner Rd.**

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. 0339294, A & Z Food Mart Inc., DBA Dairy Mart #5-4401, 4563 Warner Rd., Cleveland, Ohio 44111, to Permit No. 2848404, 4563 Warner Inc., DBA Warner Mart, 4563 Warner Rd., 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 transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 0339294, A & Z Food Mart Inc., DBA Dairy Mart #5-4401, 4563 Warner Rd., Cleveland, Ohio 44111, to Permit No. 2848404, 4563 Warner Inc., DBA Warner Mart, 4563 Warner Rd., 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.

Adopted November 9, 1998.

Effective November 11, 1998.

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**Res. No. 1979-98.**  
**By Councilman White.**  
**An emergency resolution objecting to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 3916 E. 123rd St., 1st Fl.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the trans-

fer of ownership of a C2, C2X and D6 Liquor Permit from Permit No. 7097656, Ranie Inc., DBA Ranie Food Market, 3916 E. 123rd St., 1st Fl., to Permit No. 0304786, Aswinia Inc., 3916 E. 123rd St., 1st Fl., 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 transfer of ownership of a C2, C2X and D6 Liquor Permit from Permit No. 7097656, Ranie Inc., DBA Ranie Food Market, 3916 E. 123rd St., 1st Fl., to Permit No. 0304786, Aswinia Inc., 3916 E. 123rd St., 1st Fl., 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.

Adopted November 9, 1998.  
Effective November 11, 1998.

**Ord. No. 1769-98.**  
**By Councilmen Britt, Jackson and Johnson (by departmental request).**  
**An emergency ordinance authorizing the Director of Community Development to enter into contract with Karamu House for the repair of its building located at 2355 East 89th Street. CDBG Year XIV.**

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 Community Development is authorized to enter into contract with Karamu House for the repair of its building located at 2355 East 89th Street.

**Section 2.** That the cost of said contract shall be in an amount not to exceed One Hundred Forty-Nine Thousand Dollars (\$149,000) and shall be paid from Fund No. 14 SF 024, Request No. 23118.

**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 November 9, 1998.  
Effective November 11, 1998.

**Ord. No. 1965-98.**  
**By Councilman Lewis.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1641, 1645 East 84th Street and 8403 Linwood Avenue to Freddie Love and Olivia Love.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-23-110, 106-23-111 and 106-23-151, as more fully described in Section 2 below, to Freddie and Olivia Love.

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

P.P. No. 106-23-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391 and bounded and described as follows:

Beginning at a point 484 feet Westerly from the Westerly line of East 86th Street (formerly Marcy Avenue) and 1428 17/100 feet Southerly from the Southerly line of Wade Park Avenue, N.E., said point being in the Easterly line of a proposed 44 feet street called East 84th Street (formerly Van Ness Avenue), thence Northerly parallel with East 86th Street and along the Easterly line of said East 84th Street, 40 feet; thence Easterly parallel with Wade Park Avenue, N.E., 102 feet; thence Southerly, parallel with East 86th Street, 40 feet; thence Westerly, parallel with East 84th Street, 102 feet to the place of beginning and being further known as Sublot No. 35 in L.M. Southern's proposed Wade Park Allotment of part of Original One Hundred Acre Lots Nos. 383 and 391, be the same more or less, but subject to all legal highways.

P.P. No. 106-23-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, bounded and described as follows:

Beginning at the intersection of the Easterly line of East 84th Street (formerly Van Ness Avenue) with the Northerly line of Linwood Avenue, N.E., (formerly Stanley Avenue); thence Northerly along the Easterly line of East 84th Street, 40 feet; thence Easterly and parallel with the Northerly line of Linwood Avenue, N.E., 60 feet to the Northwesterly corner of land conveyed to Jack Pettit and Lois Pettit by deed dated April 9, 1943, and recorded in Volume 5497, Page 567 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to Jack and Lois Pettit, 40 feet to the Northerly line of Linwood Avenue, N.E.; thence Westerly along the Northerly line of Linwood Avenue, N.E., 60 feet to the place of beginning, and being further known as part of Parcel No. 34 but in L.N. Southern's Subdivision proposed, be the same more or less, but subject to all legal highways.

P.P. No. 106-23-151

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, bounded and described as follows:

Beginning at a point on the Northerly line of Linwood Avenue, N.E., at a point distant 60 feet Easterly, from the intersection of the Easterly line of East 84th Street, with the Northerly line of Linwood Avenue, N.E.; thence Northerly along a line parallel with with said Easterly line of East 84th Street, 40 feet; thence Easterly, parallel with the said Northerly line of Linwood Avenue, N.E., 42 feet; thence Southerly, parallel with said Easterly line of East 84th Street, 40 feet to said Northerly line of Linwood Avenue, N.E.; thence Westerly, along said Northerly line of Linwood Avenue, N.E., 42 feet to the place of beginning, and being further known as part of Parcel 34, in L.M. Southern Proposed Subdivision, of part of Original One Hundred Acre Lots Nos. 383 and 391, be the same more or less, but subject to all legal highways.

Subject to right-of-way in deed from Bina Coit to Jack Pettit and Lois Pettit, filed for record April 14, 1943 at 11:16 a.m. and recorded in Volume 5497, Page 567 of Cuyahoga County Records

Subject to Zoning Ordinances, if any.

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

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

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

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

Passed November 9, 1998.  
Effective November 17, 1998.

**Ord. No. 1966-98.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1629 and 1633 East 84th Street to Michael R. Acree and Annie L. Acree.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-23-107 and 106-23-108, as more fully described in Section 2 below, to Michael R. Acree and Annie L. Acree.

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

P.P. No. 106-23-107

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of

Original One Hundred Acre Lot No. 391 bounded and described as follows:

Beginning in the Easterly line of East 84th Street (formerly Van Ness Avenue), (said Easterly line being parallel with and distant Westerly 484 feet from the Westerly line of East 86th Street, (formerly Marcy Avenue), distant Southerly along said Easterly line 1268.17 feet from the Southerly line of Wade Park Avenue, N.E.; thence continuing Southerly along said Easterly line, 40 feet; thence Easterly parallel with the Southerly line of Wade Park Avenue, N.E. 102 feet; thence Northerly parallel with said Easterly line 40 feet; thence Westerly 102 feet to the place of beginning and being further known as Parcel No. 80 in L.M. Southern's proposed Wade Park Allotment of part of Original One Hundred Acre Lot Nos. 383 and 391.

Subject to zoning ordinances, if any.

P.P. No. 106-23-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, bounded and described as follows:

Beginning on the Easterly line of East 84th Street (formerly Van Ness Avenue), at a point 1,308.17 feet Southerly, measured along said Easterly line of East 84th Street, from the Southerly line of Wade Park Avenue, N.E.; thence Southerly along said Easterly line of East 84th Street, 40 feet; thence Easterly parallel with the Southerly line of Wade Park Avenue, N.E., 102 feet; thence Northerly parallel with the Easterly line of East 84th Street, 40 feet; thence Westerly parallel with the Southerly line of Wade Park Avenue, N.E., 102 feet to the place of beginning, and being further known as Parcel No. 49 in L.M. Southern's proposed Wade Park Allotment of part of Original One Hundred Acre Lots Nos. 383 and 391, be the same more or less, but subject to all legal highways.

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

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

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

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Passed November 9, 1998.  
Effective November 17, 1998.

**Ord. No. 1967-98.**

**By Councilman Willis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 806 and 802 Eddy Road to Northeastern Neighborhood Development Corporation or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 110-10-056 and 110-10-055, as more fully described in Section 2 below, to Northeastern Neighborhood Development Corporation or designee.

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

P.P. No. 110-10-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 6 and 7 in the Boulevard Drive Subdivision No. 1 of part of Original One Hundred Acre Lot No. 372, as shown by the recorded plat of said Subdivision in Volume 55 of Maps, Page 12 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Southwesterly line of Eddy Road, N.E., at a point distant 7 feet Northwesterly from the Southeasterly corner of said Sublot No. 7; thence Northwesterly along said Southwesterly line of Eddy Road, N.E., 47 feet; thence Southwesterly parallel to the Southeasterly line of said Sublot No. 6, about 115.88 feet to the Southwesterly line of said Sublot No. 6; thence Southeasterly along the Southwesterly line of said Sublots Nos. 6 and 7, about 47.05 feet to a point where a line drawn parallel to the Southeasterly line of said Sublot No. 7 from the place of beginning would intersect said Southwesterly line of Sublot No. 7; thence Northeasterly about 117.94 feet to the place of beginning, as appears by said plat.

Subject to Easements recorded in Volume 3335, Page 382 and in Volume 6452, Page 647 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

P.P. No. 110-10-055  
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 8 and part of Sublot No. 7 in the Boulevard Drive Subdivision No. 1 of part of Original One Hundred Acre Lot No. 372, as shown by the recorded plat in Volume 55 of Maps, Page 12 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southwesterly line of Eddy Road, N.E., at the Southeasterly corner of said Sublot No. 8; thence Northwesterly along said Southwesterly line of Eddy Road, N.E., 47 feet; thence Southwesterly parallel with the Southeasterly line of said Sublot No. 7, about 117.94 feet to the Southwesterly line thereof; thence Southeasterly along the Southwesterly line of said Sublots Nos. 7 and 8, about 47.05 feet to the Southwesterly corner of Sublot No. 8; thence Northeasterly along the Southeasterly line of Sublot No. 8, 120 feet to the place of 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.

Passed November 9, 1998.  
 Effective November 10, 1998.

**Ord. No. 1968-98.**  
**By Councilmen Willis and Johnson (by departmental request).**  
**An emergency ordinance authorizing the purchase by requirement contract of youth ski lessons, for the Division of Recreation, 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 the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of ski lessons for City of Cleveland youths in the estimated sum of \$20,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21109)

**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 November 9, 1998.  
 Effective November 11, 1998.

**COUNCIL COMMITTEE MEETINGS**

**Monday, November 9, 1998**

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

**Public Utilities Committee: (joint with Finance Committee): 12:30 P.M.**  
 — Present: Patmon, Chairman; Coats, Vice Chairman; Cintron, Jones, Lewis, Moran, Polensek. Excused: Britt, Dolan.

**Finance Committee: (joint with Public Utilities Committee): 12:30 P.M.**  
 — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, Zone.

**Finance Committee: 2:00 P.M.**  
 — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, Zone.

**Tuesday, November 10, 1998**

**Community & Economic Development Committee: 9:00 A.M.**  
 — Present: Jackson, Chairman; Cimperman, Cintron, Coats, Gordon, Lewis, Zone. Excused: Britt, Vice Chairman.

**Wednesday, November 11, 1998**

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

**Index to Council Proceedings**

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

Bold type in sections indicates amendments

**Agreements**

To amend Section 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-98, passed July 29, 1998, relating to intermunicipal fire protection agreements (O 2005-98).....1921

**Ameritech**

East 40th Street at Carnegie Avenue — encroachment — Ameritech — Service Department (O 1644-97).....1931

**Banners**

- Authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch banners at various locations on Waterloo from November 16, 1998 to January 8, 1999, inclusive (O 2013-98) .....1928
- Authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch banners/holiday lights for the period from November 30, 1998 to January 5, 1999, inclusive (O 2014-98).....1928

**Codified Ordinances**

- To amend Section 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-98, passed July 29, 1998, relating to intermunicipal fire protection agreements (O 2005-98).....1921
- To amend Sections 3167.01, 3167.02, 3167.03, 3167.04 and 3167.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2784-87, passed December 21, 1987, relating to flood plain management (O 2007-98) .....1922

**Colonial Market Place**

- To amend the title and Sections 1 and 6 of Ordinance No. 1010-98, passed August 19, 1998, relating to a Tax Increment Financing Agreement with Colonial Market Place, LLC to provide for service payments (O 2010-98) .....1927

**Communications**

- Letter from various entities apprising the Council that each said entity will be a partner in a residential development project located in various residential development project located in various wards - Ohio Housing Finance Age (F 417-98).....1919
- MBE/FBE "Set Aside" requisition list sent to the Division of Purchasing -Department of Public Safety (F 1993-98).....1919
- Sales Request No. 90168 - Division of Purchases and Supplies (F 1994-98) .....1919

**Community Development**

- Contract with Karamu House - repair of building - 2355 East 89th Street - CDBG Year XIV - Department of Community Development (O 1769-98) .....1943
- Emergency Shelter Grant Program — \$1,208,000.00 — expend funds and enter into contract with various non-profit agencies for implementation (O 1082-98).....1931-1932
- Marshall Avenue, PPN 127-11-084 — authorize Director of Community Development to transfer property to the control, possession and use of Parks, Recreation and Properties Department (O 1264-98).....1931
- Permanent Parcel Nos. 004-02-036 and 004-02-037 (Ward 13) — authorize Director of Community Development to transfer to the control, possession and use of Parks, Recreation and Properties Department (O 1265-98) .....1931
- To amend Sections 3167.01, 3167.02, 3167.03, 3167.04 and 3167.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2784-87, passed December 21, 1987, relating to flood plain management (O 2007-98) .....1922

**Condolences**

- Gulley, Anita Juan (R 2021-98).....1919

**Congratulations**

- Antioch Credit Union (R 2033-98).....1919
- Brown, Gregory L. (R 2027-98) .....1919
- Gerena, Sandi (R 2024-98).....1919
- Hayes, Shade (R 2022-98) .....1919
- Hogan, James (R 2032-98) .....1919
- Leu, Dr. James (R 2026-98) .....1919
- McGuinea, Tyrone (R 2025-98).....1919
- Moultry, Reverend Bishop Prince J. (R 2034-98).....1919
- Parries, Jacqueline Beatrice (R 2030-98) .....1919
- Pye, Melvin G. Jr. (R 2028-98) .....1919
- Ratner, Albert B. (R 2029-98) .....1919
- Rogers, Tamura T. (R 2031-98).....1919
- The Amici String Quartet (R 2023-98) .....1919

**Economic Development Department**

Appropriating a portion of the funds obtained from Norfolk Southern and CSX and authorizing the Director of Economic Development to employ professional consultants to design and plan for noise mitigation improvements (O 2008-98) .....1926

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with LH Development LLC, to provide for the purpose of repayment of NDIF funds (O 2009-98) .....1927

Boise Cascade Office Products - Enterprise Zone Agreement - ten year abatement - Economic Development. (O 1610-98) .....1931

Enterprise Zone Agreement - Gergel-Kellem Company, Inc. and G-K LTD d.b.a. Watt Printers - ten year abatement - Economic Development Department (O 1817-98).....1931-1933

Sell City-owned property on Miles Avenue to Rite Aid of Ohio, Inc. - Purchases and Supplies (O 1729-98) .....1932

To amend Section 2 and 4 of Ordinance No. 1276-98, passed July 29, 1998, relating to the authorizing the Director of Economic Development to enter into various agreements to provide economic development financial assistance (O 2012-98).....1928

To amend the title and Section 1 of Ordinance No. 1267-98, passed August 19, 1998, relating to the title acquisition to certain property constituting the Lee Harvard Shopping Center (O 2011-98) .....1928

To amend the title and Sections 1 and 6 of Ordinance No. 1010-98, passed August 19, 1998, relating to a Tax Increment Financing Agreement with Colonial Market Place, LLC to provide for service payments (O 2010-98) .....1927

**Emergency Shelter Program**

Emergency Shelter Grant Program — \$1,208,000.00 — expend funds and enter into contract with various non-profit agencies for implementation (O 1082-98).....1931-1932

**Encroachments**

East 40th Street at Carnegie Avenue — encroachment — Ameritech — Service Department (O 1644-97).....1931

**Enterprise Zone Agreement**

Boise Cascade Office Products - Enterprise Zone Agreement - ten year abatement - Economic Development. (O 1610-98) .....1931

**Euclid Arcade**

To amend the title and Sections 1 and 6 of Ordinance No. 1010-98, passed August 19, 1998, relating to a Tax Increment Financing Agreement with Colonial Market Place, LLC to provide for service payments (O 2010-98) .....1927

**Finance Department**

Accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies certifying them to the County Auditor - Department of Finance (R 1859-98) .....1932

Appropriating funds obtained from the Ohio Bureau of Workers' Compensation for various public improvements and to purchase vehicles - Department of Finance (O 1999-98).....1920

Requesting the County Auditor to make tax advances during the year 1999 (R 1860-98).....1932

Requirement contract - messenger services - various divisions of City government - period not to exceed two years (O 1813-98).....1932

Requirement contract - paper stock and envelopes, for the various division of City government (O 1812-98).....1932

**Grants**

Apply for and accept grants from the U. S. Environmental Protection Agency — \$366,269 and Ohio Environmental Protection Agency —\$917,452 and purchase equipment and supplies to implement Program — Division of Public Health (O 1724-98).....1931

Emergency Shelter Grant Program — \$1,208,000.00 — expend funds and enter into contract with various non-profit agencies for implementation (O 1082-98).....1931-1932

**Health Division**

|   |           |
|---|-----------|
| Apply and accept a grant from the Ohio Department of Health - the Infant Mortality Reduction (Initiative) Grant - contract with Lutheran Metropolitan Ministry - Department of Public Health (O 1766-98) .....                                      | 1932      |
| Apply for and accept a grant from the Ohio Department of Public Health for the STD - Diagnostic and Treatment Services - Division of Public Health (O 1723-98) .....  | 1931-1932 |
| Apply for and accept grants from the U. S. Environmental Protection Agency — \$366,269 and Ohio Environmental Protection Agency —\$917,452 and purchase equipment and supplies to implement Program — Division of Public Health (O 1724-98).....    | 1931      |
| Authorizing the Director of Public Health to employ one or more professional consultants to provide professional services necessary to implement the HOPWA program (O 2004-98).....   | 1921      |
| Determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing, upgrading, securing or otherwise improving certain City-owned recreation facilities and City owned health centers (O 2006-98) ..... | 1921      |

**Land Reutilization Program**

|   |      |
|---|------|
| East 84th Street, 1629 and 1633 (Ward 7) — sell to Michael R. Acree and Annie L. Acree (O 1966-98).....                   | 1944 |
| East 84th, 1641 and 1645; Linwood Avenue, 8403 (Ward 7) — sell to Freddi Love and Olivia Love (O 1965-98) .....           | 1943 |
| Eddy Road, 806 and 802 (Ward 9) — sell to Northeastern Neighborhood Development Corporation or designee (O 1967-98) ..... | 1944 |

**Lee Harvard Shopping Center**

|  |      |
|--|------|
| Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with LH Development LLC, to provide for the purpose of repayment of NDIF funds (O 2009-98) .....  | 1927 |
| To amend Section 2 and 4 of Ordinance No. 1276-98, passed July 29, 1998, relating to the authorizing the Director of Economic Development to enter into various agreements to provide economic development financial assistance (O 2012-98)..... | 1928 |
| To amend the title and Section 1 of Ordinance No. 1267-98, passed August 19, 1998, relating to the title acquisition to certain property constituting the Lee Harvard Shopping Center (O 2011-98) .....  | 1928 |

**Liquor Permits**

|   |      |
|---|------|
| Detroit Avenue, 4204 (Ward 14) - Transfer of Ownership and Location Application - 7694512 (F 1995-98) .....   | 1919 |
| East 105th Street, 1144 (Ward 8) — objecting to transfer of location of C1 and C2 Liquor Permit (R 1975-98) .....   | 1941 |
| East 123rd Street, 3916 first floor (Ward 2) — objection to transfer of ownership of C2, C2X and D6 Liquor Permit (R 1979-98).....                                  | 1942 |
| East 128th Street (Ward 6) — objecting to issuance of D4 Liquor Permit (R 1969-98).....   | 1940 |
| East 140th Street, 662 first floor and basement (Ward 10) — objection to transfer of ownership of C2 and C2X Liquor Permit (R 1972-98) .....                        | 1941 |
| Lake Shore Blvd., 16826 - objecting to the transfer of ownership of a D5 Liquor Permit (R 2019-98) .....  | 1930 |
| Lakewood Heights Boulevard, 13501, first floor, (Ward 19) - Stop N Save, Inc. - Stock Transfer Application - 8616529 (F 1997-98) .....                              | 1919 |
| Payne Avenue, 3061 (Ward 13) - Little Kings Lounge, Incorporate dba Little Kings Lounge - Transfer of Location Application - 52379270001 (F 1996-98) .....          | 1919 |
| Payne Avenue, 3061 - objecting to the transfer of location of a D5 and D6 liquor permit (R 2016-98) .....   | 1930 |
| Quincy Avenue, 6017 - withdrawing objection to the issuance of a C1 Liquor Permit and repealing Res. No. 1056-98, objecting to said issuance (R 2017-98).....       | 1930 |
| St. Clair Avenue, 5510 and gas pumps (Ward 13) — objecting to transfer of ownership of C1 Liquor Permit (R 1971-98) .....   | 1940 |
| St. Clair Avenue, 6611 (Ward 13) — objecting to transfer of ownership of D5 and D6 Liquor Permit (R 1970-98) .....  | 1940 |
| Storer Avenue, 5004 (Ward 17) — withdrawing objection to transfer of ownership of D1, D2, D3 and D3A Liquor Permit — repeal Resolution No. 1826-98 (R 1974-98)..... | 1941 |
| Wade Park, 9300 Unit A 38 (Ward 7) — objecting to transfer of ownership and location of C2, C2X and D6 permit (R 1973-98).....                                      | 1941 |
| Warner Road, 4563 (Ward 2) — objecting to transfer of ownership of C1 and C2 Liquor Permit (R 1978-98) .....  | 1942 |
| West 150th Street, 4181 (Ward 20) — objecting to transfer of ownership of D5A and D6 Liquor Permit (R 1977-98).....   | 1942 |



**Norfolk Southern Railroad**

Appropriating a portion of the funds obtained from Norfolk Southern and CSX and authorizing the Director of Economic Development to employ professional consultants to design and plan for noise mitigation improvements (O 2008-98) ..... 1926

**Parks, Recreation and Properties Department**

Cleveland Industrial park — sell property — Euro-USA (O 1651-97) ..... 1931  
 Contract No. PS 48528 for improvement at Settlers Landing Park 1997 Construction Phase II - Department of Parks, Recreation and Properties (F 1998-98)..... 1919  
 Determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing, upgrading, securing or otherwise improving certain City-owned recreation facilities and City owned health centers (O 2006-98) ..... 1921  
 Marshall Avenue, PPN 127-11-084 — authorize Director of Community Development to transfer property to the control, possession and use of Parks, Recreation and Properties Department (O 1264-98)..... 1931  
 Permanent Parcel Nos. 004-02-036 and 004-02-037 (Ward 13) — authorize Director of Community Development to transfer to the control, possession and use of Parks, Recreation and Properties Department (O 1265-98) ..... 1931  
 Youth Ski Lessons — contract — Recreation Division (O 1968-98)..... **1945**

**Permits**

Authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch banners at various locations on Waterloo from November 16, 1998 to January 8, 1999, inclusive (O 2013-98) ..... 1928  
 Authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch banners/holiday lights for the period from November 30, 1998 to January 5, 1999, inclusive (O 2014-98)..... 1928  
 Consenting to and approving the issuance of a permit for the Turkey Trot Race on November 26, 1998, sponsored by Hermes Race Systems (O 2020-98) ..... 1929  
 Consenting to and approving the issuance of a permit for the Kilometers for Kids on May 2, 1999, sponsored by West Side Ecumenical Ministries (O 2018-98)..... 1929

**Port Control Department**

Authorizing the Director of Port Control to apply for and accept State of Ohio and Federal grant funds - Department of Port Control (O 2001-98) ..... 1920  
 Authorizing the purchase by requirement contract of labor and materials necessary to maintain and repair air conditioning systems for the various divisions of the Department of Port Control, for a period not to exceed two years (O 2002-98) ..... 1920

**Purchases and Supplies Department**

Sales Request No. 90168 - Division of Purchases and Supplies (F 1994-98) ..... 1919  
 Sell City-owned property on Miles Avenue to Rite Aid of Ohio, Inc. - Purchases and Supplies (O 1729-98) ..... 1932

**Purchases/Contracts**

Youth Ski Lessons — contract — Recreation Division (O 1968-98)..... **1945**

**Railroads**

Appropriating a portion of the funds obtained from Norfolk Southern and CSX and authorizing the Director of Economic Development to employ professional consultants to design and plan for noise mitigation improvements (O 2008-98) ..... 1926

**Real Estate**

Marshall Avenue, PPN 127-11-084 — authorize Director of Community Development to transfer property to the control, possession and use of Parks, Recreation and Properties Department (O 1264-98)..... 1931  
 Permanent Parcel Nos. 004-02-036 and 004-02-037 (Ward 13) — authorize Director of Community Development to transfer to the control, possession and use of Parks, Recreation and Properties Department (O 1265-98) ..... 1931

**Recreation Division**

Youth Ski Lessons — contract — Recreation Division (O 1968-98)..... **1945**

**Resolutions — Miscellaneous**

Urging the President of the United States to request an investigation of the Ugandan Tuberculosis Study (R 2015-98)..... 1929

**Safety Department**

Apply for and accept a grant from the Department of Justice - Office for State and Local Domestic Preparedness for the State and Local Domestic Preparedness Equipment Support Program - Department of Public Safety (O 1726-98) ..... 1931  
 MBE/FBE "Set Aside" requisition list sent to the Division of Purchasing -Department of Public Safety (F 1993-98)..... 1919  
 To amend Section 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-98, passed July 29, 1998, relating to intermunicipal fire protection agreements (O 2005-98)..... 1921

**Service Department**

Authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch banners at various locations on Waterloo from November 16, 1998 to January 8, 1999, inclusive (O 2013-98) ..... 1928  
 Authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch banners/holiday lights for the period from November 30, 1998 to January 5, 1999, inclusive (O 2014-98)..... 1928  
 Authorizing the purchase by requirement contract of various on-road vehicles and off-road equipment, for the various divisions of City government - Department of Public Service (O 2003-98) ..... 1920  
 East 40th Street at Carnegie Avenue — encroachment — Ameritech — Service Department (O 1644-97)..... 1931  
 Old Lorain Road - encroach into the aerial rights-of-way - permit - Fairview Health System - Service Department (O 1814-98)..... 1931  
 Repeal Ordinance No. 1737-98 - change of a street name (O 1895-98)..... 1931

**Statement of Work Acceptance**

Contract No. PS 48528 for improvement at Settlers Landing Park 1997 Construction Phase II - Department of Parks, Recreation and Properties (F 1998-98)..... 1919

**Streets - Vacation**

A portion of West 200th Street, Elsmere Avenue, S.W., West 198th Street, West 191st Street, Wagner Place S.W., Maplewood Avenue, S.W., and Maplewood Avenue, S.W. — street vacations. (O 1598-98) ..... 1931-1932  
 Portions of Harvard Pl., S.E. and unnamed Alley West of Harvard Pl., S.E. and Northerly of Harvard Avenue - intention to vacate. (R 1614-98) ..... 1932  
 Sommer Court, N.W. - intention to vacate - Public Service. (R 1613-98) ..... 1932  
 Stone Court N.W.(portion) - street vacation. (O 1600-98) ..... 1931  
 West 62nd Place - portion - intention to vacate. (R 1615-98) ..... 1932

**Utilities Department**

Authorizing the purchase by contract of one diesel forklift truck, for the Division of Water - Department of Public Utilities (O 2000-98)..... 1920