

The City Record

Official Publication of the Council of the City of Cleveland



June the Second, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Michael C. O'Malley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th 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	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
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.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

City Clerk, Clerk of Council – Valarie J. McCall, 216 City Hall, 664-2840
First Assistant Clerk – Sandra Franklin

MAYOR – Jane L. Campbell
Debra M. Janik, Chief of Staff
Darnell Brown, Chief Operating Officer
Timothy Mueller, Executive Assistant
Craig Tame, Executive Assistant
Galen L. Schuerlein, Executive Assistant
_____, Director, Office of Equal Opportunity
Margreat A. Jackson, Legislative Affairs Liaison
Erik Janas, Inter-Governmental Affairs Officer
Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Subodh Chandra, Director, Teresa Beasley, Chief Counsel, Rm. 106
Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;
Frank Badalamenti, Manager, Internal Audit
DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – James S. Higgins, Commissioner, 1404 East 9th Street
Purchases and Supplies – Myrna Branche, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – James F. Majer, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – Julius Ciaccia, Jr., Commissioner
Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – John C. Mok, Director
Cleveland Hopkins International Airport, 5300 Riverside Drive
Burke Lakefront Airport – Khalid Bahhur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113
DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
Streets – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matthew Carroll, Director, Mural Building, 1925 St. Clair Ave.
DIVISIONS: Air Quality – _____, Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Sanford E. Watson, Director, Room 230
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
Police – Edward F. Lohm, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Natalie A. Ronayne, Director
Cleveland Convention Center, Clubroom A, 1220 East 6th Street
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Parking Facilities – Dennis Donahue, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Park Maintenance and Properties – Richard L. Silva, Commissioner
Public Auditorium – East 6th Street and Lakeside Avenue
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
Recreation – Michael Cox, Commissioner, Room 8
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall
DIVISIONS: Administrative Services – Terrence Ross, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner
Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Gina Routen, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – _____, Director, Room 210

DEPT. OF AGING – Jane E. Fumich, Director, Room 122

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 111, Jeffrey D. Johnson, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members; Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, _____, Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Subodh Chandra, President; Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Subodh Chandra; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities Director Michael G. Konicek; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member Nelson Cintron, Ed Romero.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.

FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud, Doris Honsa, Richard Lenard.

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

MORAL CLAIMS COMMISSION – Law Director Subodh Chandra; Chairman; Finance Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

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

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorik, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary Eileen Kilbane	14C
Judge Anita Laster Mays	12C
Judge Lauren C. Moore	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	15C
Judge Pauline H. Tarver	12A
Judge Robert J. Trozzi	14A
Judge Joseph J. Zone	13C

Earle B. Turner – Clerk of Courts, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff; Regina Daniel – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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CITY COUNCIL

MONDAY, MAY 31, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chairman; White, Vice Chairman; Cimperman, Dolan, Jones, Rybka, Sweeney.

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; Jones, Vice Chairman; Brady, Cimperman, Johnson, O'Malley, Polensek, White, Zone.

11:00 A.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chairman; Conwell, Vice Chairman; Cintron, Coats, Johnson, Reed, Polensek.

MONDAY

2:00 P.M. — **Finance Committee:** Jackson, Chairman; Sweeney, Vice Chairman; Brady, Britt, Coats, Gordon, O'Malley, Reed, Scott, Westbrook, White.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Cintron, Coats, Jones, Lewis, Reed, Scott, Zone.

TUESDAY—Alternating

1:00 P.M. — **Health & Human Services Committee:** Britt, Chairman; Zone, Vice Chairman; Cintron, Conwell, Gordon, Scott, Polensek.

1:30 P.M. — **Legislation Committee:** White, Chairman; Scott, Vice Chairman; Dolan, Gordon, Johnson, Rybka, Westbrook.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Britt, Dolan, Gordon, Reed, Rybka.

10:00 A.M. — **Public Safety Committee:** Reed, Chairman; Britt, Vice Chairman; Brady, Cimperman, Coats, Conwell, Jones, White, Zone.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Coats, Chairman; O'Malley, Vice Chairman; Brady, Cintron, Jones, Polensek, Sweeney, Westbrook, Zone.

1:30 P.M.—**City Planning Committee:** Cimperman, Chairman; Rybka, Vice Chairman; Conwell, Lewis, O'Malley, Scott, Westbrook.

The following Committees are subject to the Call of the Chairman:

Rules Committee: Jackson, Chairman; O'Malley, Reed, Sweeney, Westbrook.

Personnel and Operations Committee: Gordon, Chairman; Britt, Cimperman, Coats, Scott.

Mayor's Appointment Committee: Coats, Chairman; Cintron, Reed, Pierce Scott, Westbrook.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 26, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 26, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Chandra, Acting Director Aboussal, Directors Konicek, Mok, Ricchuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen,

Acting Director Huth, Directors Fumich, Taylor and Williams.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Colette Appolito, Acting Director, Office of Equal Opportunity.

On motions, the following resolutions were adopted, except as may be otherwise noted:

Resolution No. 315-04.

By Director Baker.

Whereas, under the authority of Ordinance No. 2019-03 passed by the Council of the City of Cleveland on November 10, 2003, the Board of Control, by its Resolution No. 120-04, adopted March 17, 2004, affirmed and approved Servco Products Inc. as the lowest and best bidder for the City's requirements for an estimated quantity of fasteners for various divisions of City government, Department of Finance; and

Whereas, Servco Products Inc. failed to fulfill the promises made in its bid to furnish a satisfactory performance bond and enter into a contract within ten (10) days after notice of an award of contract, and secured its promises by a certified/or cashiers check; and

Whereas, Bosworth Industrial Supply was the next lowest and best bidder for said requirements; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland, that Servco Products Inc. which this Board affirmed and approved by Resolution No. 120-04, adopted March 17, 2004, as the lowest and best bidder for the City's requirements for an estimated quantity of fasteners is declared to be in default of its bid promises, as result of its which bid check shall be forfeited to the City as the agreed amount of liquidated damages.

Be it further resolved, that in light of the default of Servco Products Inc., set forth above, Bosworth Industrial Supply is affirmed and approved as the lowest and best bidder, for the City's requirements for an estimated quantity of fasteners, groups I, II, III, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVII, for various divisions of City government, Department of Finance, received on January 30, 2004, under to the authority of Ordinance No. 2019-03 passed November 10, 2003, which on the basis of the estimated quantity would amount to Eighty Nine Thousand Two Hundred Eighty-Three and 98/100 Dollars (\$89,283.98), and the Director of Finance is authorized to enter into a requirement contract for said goods, which shall provide for the immediate pur-

chase as the initial amount of such contract of the following:

Requisition No. 147958

which shall be certified against such contract in the sum of Four Thousand Four Hundred Sixty-Four and 20/100 Dollars (\$4,464.20).

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 Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 316-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Consumers Steel Products, for an estimated quantity of miscellaneous-sized steel plates, for the various divisions of City government, Group A, Item Nos. 1-7, Group B Item Nos. 7, 11, 16-17, 21-30, Group C, Item Nos. 35-55, Group D, Item Nos. 4, 9-20, Group E, Item Nos. 1-5, Group F, Item Nos. 17, 19-22, Group G, Items Nos. 1-10, Group H, Item Nos. 1, 3-5, Group I, 1-9, 21-23, 26-32, Group J, 1-5, Group K, 1-5, Group L, 1-5 and Group M, for the period of one (1) year beginning with the date of execution of a contract, received on March 31, 2004, pursuant to the authority of Ordinance No. 2021-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to Eighty Eight Thousand Nine Hundred Eighty-Two and 00/100 Dollars (\$88,982.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition Nos. 139531, 130208, & 136234 which shall be certified against such contract in the sum of Eight Thousand Five Hundred and 00/100 Dollars (\$8,500.00).

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 317-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that all bids

received on March 31, 2004, for the purchase of an estimated quantity of miscellaneous-sized steel plates, Group B, Item Nos. 6, 8, 9, 10-20, Group C, Items Nos. 1-34, Group D, Item Nos. 1-8, Group E, Item Nos. 6-10, Group F, Item Nos. 1-16, Group H, Item Nos. 2, and Group I, Item Nos. 10-20, 24-25, for the various divisions of City government, pursuant to the authority of Ordinance No. 2021-03, passed by the Council of the City of Cleveland on November 10, 2003, be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 318-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Earth' N Wood Products, Inc. for an estimated quantity of landscape materials, item nos. 1-8, for the various divisions of City government, for the period of two (2) years beginning with the date of execution of a contract, received on April 2, 2004, pursuant to the authority of Ordinance No. 320-04, passed March 22, 2004, which on the basis of the estimated quantity would amount to Five Hundred Forty One Thousand Nine Hundred Twenty-One and 40/100 Dollars (\$541,921.40), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 146110

which shall be certified against such contract in the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00).

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 319-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that all bids received on May 21, 2004, for the purchase of an estimated quantity of landscape materials, item no. 9 (sand), for the various divisions of City government, pursuant to the authority of Ordinance No. 320-04, passed by the Council of the City of Cleveland on March 22, 2004, be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchi-

uto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 320-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that all bids received on April 1, 2004, for the purchase of an estimated quantity of plumbing equipment and supplies, all items, for the various divisions of City government, pursuant to the authority of Ordinance No. 425-03, passed by the Council of the City of Cleveland on March 31, 2003, be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 321-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that in accordance with Section 112 of the Charter of the City of Cleveland, subject to the approval of City Council, the rates and charges of the Division of Water, Department of Public Utilities, set forth under Board of Control Resolution No. 426-00, adopted by the Board of Control on June 28, 2000, are supplemented to include rates and charges for competitive response water service, which are fixed as follows:

Competitive Response Water Service Rates

The Director of Public Utilities may enter into direct-service and master-meter water service contracts with municipal corporations or public authorities for water service under rates, terms, and conditions that differ from those contained in Chapter 535 for the purpose of meeting competition from alternative water suppliers, if all of the following apply:

(1) The municipal corporation or public authority has access to an alternative water supplier or is likely to gain such access in the reasonably foreseeable future;

(2) The revenue to be generated under the contract is not below the cost of service, as determined by the Division of Water;

(3) The contract is for a term of at least twenty years;

(4) The contract, with the exception of negotiated provisions, is substantially in the form of the Division of Water's standard direct-service and master-meter contracts;

(5) The contract has been approved by the Director of Law; and

(6) The contract has been approved by the City Council upon a finding that entering into the contract is necessary to meet competition from current or potential alternative suppliers and is in the best interests of the Division of Water and its water customers and bondholders.

Be it further resolved that all other rates and charges fixed for water service by this Board and

approved by City Council shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 322-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Shook/Kokosing, LLC for the public improvement of Nottingham Flocculation/Sedimentation Residuals Project (including a \$2,250,890.00 contingency allowance), (all items), for the Division of Water, Department of Public Utilities, beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on May 12, 2004, pursuant to the authority of Ordinance No. 323-04, passed May 10, 2003, upon a unit basis for the improvement in the aggregate amount of Twenty Four Million Seven Hundred Fifty Nine Thousand Seven Hundred Ninety Dollars (\$24,759,790.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Shook/Kokosing, LLC for the above-mentioned public improvement is approved:

SUBCONTRACTOR

PERCENTAGE - WORK

Dmytryka Jacobs Engineers Inc. (MBE)	1.68% - \$417,000.00
Coleman Spohn Corporation (MBE)	2.83% - \$700,000.00
Mohawk Re-bar Services, Inc. (MBE)	3.38% - \$838,000.00
Minority Electric Co., Inc. (MBE)	4.04% - \$1,000,000.00
Ruccella Construction Inc. (MBE)	1.89% - \$469,000.00
Thompson Ground Development (MBE)	1.23% - \$305,000.00
R-Cap Security (FBE)	.48% - \$120,000.00
Burkshire Construction Company (FBE)	2.83% - \$700,000.00
Mac Mechanical Corp (FBE)	.09% - \$23,000.00
The Collinwood Shale Brick & Supply Company (FBE)	1.74% - \$430,000.00
Precision Environmental	.06% - \$16,000.00
Suburban Maintenance	1.62% - \$400,000.00
Guist Painting	.50% - \$125,000.00

Action Door Company	.081% - \$20,000.00
William Roofing	.63% - \$156,000.00
Bonfert Glasi	.20% - \$50,000.00
FBS Masonry	1.82% - \$450,000.00

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 323-04.

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 2376-02, passed by Cleveland City Council on March 10, 2003, and Board of Control Resolution No. 691-03, adopted on November 12, 2003, as amended by Resolution No. 734-03, adopted December 10, 2003, this Board affirmed and approved Anthony Allega Cement Contractors, Inc. as the lowest responsible bid for the public improvement of constructing taxiways, ramps and runway improvements at Cleveland Hopkins International Airport; and

Whereas, the subcontract amount of Bradley Construction (MBE) need to be amended because an alternate item was deleted from the project; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 691-03, adopted November 12, 2003, as amended by Resolution No. 734-03, adopted December 10, 2003 is further amended to change the subcontract amount of Bradley Construction (MBE) from \$851,110.00 (10.85% MBE) to \$783,420.00 (10.11% MBE).

Be it further resolved that all other provisions of said Resolution Nos. 691-03 and 734-03 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 324-04.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Utility Truck Equipment, Inc. for an estimated quantity of utility service body and 50' aerial device, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on March 17, 2004, pursuant to the authority of Ordinance No. 1683-03, passed by the Council of the City of Cleveland on September 22, 2003, which on the basis of the estimated quantity would amount to Seventy-Six Thousand Seven Hundred Thirty-Three and 00/100 Dollars (\$76,733.00) (Net-30 Days), is hereby affirmed and approved as the low-

est and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130347

which shall be certified against such contract in the sum of Seventy-Six Thousand Seven Hundred Thirty-Three and 00/100 Dollars (\$76,733.00).

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 Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 325-04.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of City Auto Frame Service, Inc. for an estimated quantity of auto and truck frame repair and wheel alignments, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on April 14, 2004, pursuant to the authority of Ordinance No. 1975-03, passed by the Council of the City of Cleveland on October 27, 2003, which on the basis of the estimated quantity would amount to Forty Three Thousand Seven Hundred Fifty and no/100 Dollars (\$43,750.00) (0% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130346

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

Said requirement contract shall further provide that the Contractor 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 Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 326-04.

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reuti-

lization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 006-20-121, 006-20-122, 006-20-123, 006-20-124, 006-20-125 and 006-20-126 under said Land Reutilization Program and

Whereas, Ordinance No. 264-04 passed April 26, 2004, 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, Urban Community School 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. 264-04 passed April 26, 2004, 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 Urban Community School for the sale and development of Permanent Parcel Nos. 006-20-121, 006-20-122, 006-20-123, 006-20-124, 006-20-125 and 006-20-126, 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 Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 327-04.

By Director Rush.

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. 128-03-091, 128-03-122, 128-03-124, 128-03-125, 128-03-126, 128-03-128 and 128-04-080 under said Land Reutilization Program; and

Whereas, Ordinance No. 534-04 passed May 10, 2004, 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, Buckeye Area Development Corporation has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 534-04 passed May 10, 2004, 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 Buckeye Area Development Corporation for the sale and development of Permanent Parcel Nos. 128-03-091, 128-03-122, 128-03-124, 128-03-125, 128-03-126, 128-03-128 and 128-04-080, 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 Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 328-04.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1071-02, passed by the Council of the City of Cleveland on June 17, 2002, as amended by Ordinance No. 104-04, passed January 28, 2004, ACS Government Systems, Inc. ("Consultant") is selected upon the nomination of the Director of Finance, from a list of qualified vendors determined after a full and complete canvass by the Cleveland Municipal Court, to be employed by contract to supplement the regularly employed staff of the several departments of the Cleveland Municipal Court and the City to provide all of the professional services contemplated in Sections 2 and 8 of amended Ordinance 1072-02 as follows:

Software development, network administration, implementation, programming, maintenance, training and other support for the operation and enhancement of the Cleveland Integrated Justice Information System ("CIJIS") Phase III Enhancements, a new Case Management system, Voice over IP Telephone system, and Probation Project, and other services necessary for the operation and enhancement of "CIJIS"; and the collection of unpaid judgments, costs, or other receivables of the Cleveland Municipal Court.

Be it further resolved that the Director of Finance is authorized to enter into a written contract with ACS Government Systems, Inc. based upon its proposal dated May 9, 2003, as amended and supplemented through mutual agreement of the Cleveland Municipal Court and the vendor, and on the basis of the payment terms memorialized in the amended and supplemented proposal, for a term of not to exceed eighty four (84) months or such longer period as will result, in expiration not later than December 31, 2011.

Be it further resolved that the employment of the following subconsultants by ACS Government Systems, Inc. is hereby approved:

<u>Subconsultant</u>	<u>M/FBE %</u>	<u>Amount</u>
Texcel, Inc.	MBE-71.21%	\$997,000
Chagrin Consulting Services	FBE-8.57%	\$120,000

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Ricchi-

uto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Huth, Directors Fumich, Taylor and Williams.

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.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 14, 2004

9:30 A.M.

Calendar No. 04-111: 4302 Buechner Avenue (Ward 16)

Deloris Sell, owner, appeals to enclose an existing 6' x 20' open front porch of a one-story single family dwelling, situated on a 38' x 120' parcel in a One-Family District on the north side of Buechner Avenue at 4302 Buechner Avenue; contrary to the Regulations for Yards and Courts, the proposed porch enclosure will project 6'10" and it may not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 04-112: 17600 Lakeshore Boulevard (Ward 11)

Attila Gyorki, owner, appeals to expand a legal, nonconforming auto repair business by adding a 38' x 56' one-story, three bay garage to an existing 38' x 44' one-story garage, situated on an irregular shaped acreage parcel in a General Retail Business District at the northeast corner of Lakeshore Boulevard and Marcella Road at 17600 Lakeshore Boulevard; subject to the provisions under Nonconforming Uses,

the proposed expansion in a General Retail Business District for an existing, nonconforming auto repair, located within less than 100' of a Residence District, requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 04-113: 1430-58 East 105th Street - Unit A (Ward 8)

Famicos Foundation, owner c/o Beth Graham, appeals to construct a three-story, single family townhouse on a + 6,000 s/f lot, located in a Residence Office District on the west side of East 105th Street at 1430-58 East 105th Street; contrary to the Regulations for Yards and Courts where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, a side yard distance of 10' and 0' is provided and no distance is provided where the proposed residential structure may not be built within 10' of a residential structure on a neighboring lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-114: 1430-58 East 105th Street - Unit B (Ward 8)

Calendar No. 04-115: 1430-58 East 105th Street - Unit C (Ward 8)

Calendar No. 04-116: 1430-58 East 105th Street - Unit D (Ward 8)

Calendar No. 04-117: 1430-58 East 105th Street - Unit E (Ward 8)

Famicos Foundation, owner c/o Beth Graham, appeals to construct a three-story, single family townhouse on a 3,000 s/f lot, located in a Residence Office District on the west side of East 105th Street at 1430-58 East 105th Street; contrary to the regulations in Section 355.04 of the Area Requirements, a minimum lot width of 40' is required and 20' is provided, and the required street frontage is 25' where 20' is provided, with a minimum lot size of 4,800 s/f required and 3,000 s/f is provided; and contrary to the Regulations for Yards and Courts, no interior side yard distance is provided where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width; and no distance is provided where the proposed residential structure may not be built within 10' of a residential structure on a neighboring lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-118: 1430-58 East 105th Street - Unit F (Ward 8)

Calendar No. 04-119: 1430-58 East 105th Street - Unit G (Ward 8)

Famicos Foundation, owner c/o Beth Graham, appeals to construct a three-story, single family townhouse on a + 4,800 s/f lot, located in a Residence Office District on the west side of East 105th Street at 1430-58 East 105th Street; contrary to the regulations in Section 355.04 of the Area Requirements, a minimum lot width of 40' is required and 36.9' is provided; and contrary to the Regulations for Yards and Courts, the interior side yard distance provided is 0' and 6', where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width; and no distance is provided where the proposed residential structure may not be built within 10' of a residential structure

on a neighboring lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-120: 1430-58 East 105th Street - Unit H (Ward 8)

Calendar No. 04-121: 1430-58 East 105th Street - Unit I (Ward 8)

Calendar No. 04-122: 1430-58 East 105th Street - Unit J (Ward 8)

Famicos Foundation, owner c/o Beth Graham, appeals to construct a three-story, single family townhouse on a 3,000 s/f lot, located in a Residence Office District on the west side of East 105th Street at 1430-58 East 105th Street; contrary to Section 355.04 of the Area Requirements, a minimum lot width of 40' is required and 20' is provided, and the required street frontage is 25' where 20' is provided, with a minimum lot size of 4,800 s/f required and 3,000 s/f is provided; and contrary to the Regulations for Yards and Courts, no interior side yard distance is provided, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width; and no distance is provided where the proposed residential structure may not be built within 10' of a residential structure on a neighboring lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-123: 1430-58 East 105th Street - Unit K (Ward 8)

Famicos Foundation, owner c/o Beth Graham, appeals to construct a three-story, single family townhouse on a 4,500 s/f lot, located in a Residence Office District on the west side of East 105th Street at 1430-58 East 105th Street; contrary to the regulations in Section 355.04 of the Area Requirements, a minimum lot width of 40' is required and 30' is provided; and contrary to the Regulations for Yards and Courts, no interior side yard distance is provided where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width; and no distance is provided where the proposed residential structure may not be built within 10' of a residential structure on a neighboring lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-124: 1430-58 East 105th Street - Unit L (Ward 8)

Famicos Foundation, owner c/o Beth Graham, appeals to construct a three-story, single family townhouse on a 4,500 s/f lot, located in a Residence Office District on the west side of East 105th Street at 1430-58 East 105th Street; contrary to the regulations in Section 355.04 of the Area Requirements, a minimum lot width of 40' is required and 30' is provided and a minimum lot size of 4,800 s/f is required where +4,600 s/f is provided; and no interior side yard distance is provided, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width; and no distance is provided where the proposed residential structure may not be built within 10' of a residential structure on a neighboring lot as stated in Section 357.09(2)B of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, JUNE 1, 2004

In the absence of a required quorum, no appeals were heard nor ratified by the Board of Zoning Appeals on June 1, 2004.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, JUNE 9, 2004

Purchase of Hydraulic Pumps, Motors and Valve Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1971-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 3, 2004 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

Purchase of Hydraulic Cylinders and Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1971-03, passed by the Council of the City of Cleveland, October 27, 2003. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 3, 2004 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

May 26, 2004 and June 2, 2004

THURSDAY, JUNE 10, 2004

One (1) Cab/Chassis with Fuel Tanker Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1683-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, JUNE 4, 2004 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

May 26, 2004 and June 2, 2004

WEDNESDAY, JUNE 16, 2004

Labor and Material to Maintain/Repair Various Freight Elevators, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2102-2000, passed by the Council of the City of Cleveland, March 19, 2001.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 10, 2004 AT 10:00 A.M., DIVISION OF CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 26, 2004 and June 2, 2004

THURSDAY, JUNE 17, 2004

Shop Tools and Diagnostic Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1424-02, passed by the Council of the City of Cleveland, July 17, 2002.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, JUNE 7, 2004 AT 3:00 P.M., AT DIVISION OF MOTOR VEHICLE

MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

Two (2) 60' Aerial Devices, for Various Divisions, Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, JUNE 7, 2004 AT 2:30 P.M., AT DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

May 26, 2004 and June 2, 2004

FRIDAY, JUNE 18, 2004

Labor & Materials Necessary to Repair or Replace Fire Hydrants & Appurtenances (Area A), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1002-03, passed by the Council of the City of Cleveland, June 10, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 3, 2004 AT 1:30 P.M., DIVISION OF WATER — DISTRIBUTION AND MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

May 26, 2004 and June 2, 2004

WEDNESDAY, JUNE 30, 2004

Phase II Residential Sound Insulation Program (RSIP) 2004 General Construction (Contract A-04-1) and HVAC/Electrical (Contract A-04-2), for Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000.

THERE WILL BE A **REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **MANDATORY** PRE-BID MEETING, TUESDAY, JUNE 15, 2003 AT 10:00 A.M., C & S ENGINEERS OF OHIO, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.

May 26, 2004 and June 2, 2004

THURSDAY, JUNE 17, 2004

Plumbing Equipment & Supplies, for Various Divisions, Department of Finance, as authorized by Ordinance No. 425-03, passed by the Council of the City of Cleveland, March 31, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JUNE 10, 2004 AT 1:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

June 2, 2004 and June 9, 2004

WEDNESDAY, JUNE 23, 2004

Number 2 Dyed Low Sulfur Diesel Fuel, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 248-04, passed by the Council of the City of Cleveland, May 3, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, JUNE 16, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

June 2, 2004 and June 9, 2004

WEDNESDAY, JUNE 30, 2004

Motor Vehicle Interior & Exterior Body Repair, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 245-04, passed by the Council of the City of Cleveland, May 3, 2004.

THERE WILL BE A **MANDATORY** PRE-BID MEETING THURSDAY, JUNE 24, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

June 2, 2004 and June 9, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1003-04.

By Council Members O'Malley and Sweeney (by departmental request).

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving West 41st Street from Schiller Avenue to Archmere Avenue, by making specified improvements along the public right-of-way.

Whereas, under Resolution No. 350-04, adopted March 8, 2004, this Council declared the necessity of improving West 41st Street from Schiller Avenue to Archmere Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way, or otherwise improving the right-of-way; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments have been filed by one or more property owners; 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 David J. Tarditi, John M. Moss, and Bradley D. Lombardi, three disinterested freeholders of the City, are appointed as an assessment equalization board, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Resolution No. 350-04, adopted March 8, 2004, by this Council.

Section 2. That the assessment equalization board shall meet at 9:30 a.m. on June 4, 2004, at Cleveland City Hall, 601 Lakeside Avenue, Room 106, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization board.

Section 4. That this resolution is 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 May 24, 2004.
Effective May 26, 2004.

Res. No. 1004-04.
By Council Members Westbrook and Sweeney (by departmental request).

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving West 88th Street from Clark Avenue to Denison Avenue, by making specified improvements along the public right-of-way.

Whereas, under Resolution No. 351-04, adopted March 8, 2004, this Council declared the necessity of improving West 88th Street from Clark Avenue to Denison Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way, or otherwise improving the right-of-way; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments have been filed by one or more property owners; 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 David J. Tarditi, John M. Moss, and Bradley D. Lombardi, three disinterested freeholders of the City, are appointed as an assessment equalization board, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Resolution No. 351-04, adopted March 8, 2004, by this Council.

Section 2. That the assessment equalization board shall meet at 9:00 a.m. on Friday, June 4, 2004, at Cleveland City Hall, 601 Lakeside Avenue, Room 106, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization board.

Section 4. That this resolution is 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 May 24, 2004.
Effective May 26, 2004.

Res. No. 1040-04.
By Council Members Brady, Coats, and Jackson.

An emergency resolution urging the Federal Communications Commission to study whether cable-TV prices would decrease if channels were sold on an individual basis, rather than bundled together.

Whereas, cable companies sell channels to consumers bundled together as opposed to individually; and

Whereas, rates charged by cable-TV companies have risen 56% since 1996; and

Whereas, consumer advocates have pushed for "a la carte" pricing saying it would result in lower programming costs and higher-quality programs; and

Whereas, senior lawmakers have requested the Federal Communications Commission study whether sale of individual cable channels would save the consumer money; and

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

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

Section 1. That this Council hereby urges the Federal Communications Commission to study whether cable-TV prices would decrease if channels were sold on an individual basis, rather than bundled together.

Section 2. That the Clerk of Council is directed to forward copies of this resolution to the head of the Federal Communications Commission and to the members of the House's Commerce Committee.

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 May 24, 2004.
Effective May 26, 2004.

Res. No. 1041-04.
By Council Member Jackson.

An emergency resolution declaring this Council's intention, pursuant to the Charter and the Codified Ordinances of the City, to seek proposals from certified public accountants to furnish the labor and materials necessary to maintain a continuous audit of the books of accounts, records and transactions of the administrative departments of the City for 2004.

Whereas, Charter Section 47 and Section 111.05 of the Codified Ordinances of the City require City Council to cause a continuous audit to be made of the books of account, records and transactions of the administrative departments of the City; and

Whereas, pursuant to the Charter and Codified Ordinances, such audit shall be made by one or more certified public accountants having qualifications set forth in Charter Section 47; and

Whereas, pursuant to Section 111.06 of the Codified Ordinances of the City, the Clerk of Council shall seek proposals from certified public accountants for labor and materials necessary to perform the audit as provided for under the Charter and Codified Ordinances; and

Whereas, the duties of the auditor or auditors shall include the certification of all statements required under Section 95 of the Charter showing financial transactions of all departments and offices of the City; and

Whereas, the auditor or auditors shall examine the statements referenced above which shall include, but not be limited to a general balance sheet, exhibiting the assets and liabilities of the City, supported by departmental schedules, and schedules for each utility publicly owned or operated; summaries of income and expenditures, supported by detailed schedules, and also comparisons, in proper classification, with the last previous year; and

Whereas, after proposals have been received, reviewed and properly tabulated, Council shall by resolution award a contract for such continuous audit for 2004; and

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

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

Section 1. That this Council hereby declares its intention, pursuant to the Charter and the Codified Ordinances of the City, to seek proposals from certified public accountants to furnish the labor and materials necessary to maintain a continuous audit of the books of accounts,

records and transactions of the administrative departments of the City for 2004.

Section 2. That the Clerk is hereby directed to generate requests for proposals based on this resolution and to seek proposals as set forth herein and in the Codified Ordinances of the City.

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 May 24, 2004.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1044-04.

By Council Members Britt and Johnson.

An emergency resolution declaring the necessity and intention to appropriate property for the public use of storing City equipment, located at 2580 East 93rd Street.

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 for the public purpose of storing City equipment, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property located at 2580 East 93rd Street:

Permanent Parcel No. 126-08-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 70 and 71 in Hamilton and Wyman's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the Northerly line of Woodland Avenue S.E., with the Westerly line of East 93rd Street, (formerly Oak Street);

Thence Westerly along said Northerly line of Woodland Avenue, S.E., 80 feet;

Thence Northerly and parallel with said Westerly line of East 93rd Street, 84 feet 2/5 of an inch;

Thence Easterly and parallel with the Northerly line of said Sublots Nos. 71 and 70, 80 feet to said Westerly line of East 93rd Street;

Thence Southerly along said Westerly line 84 feet 2/5 of an inch to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that

purpose by the Director of Finance which return shall be made in the manner provided by law.

Section 3. That this resolution is 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 May 24, 2004.

Effective May 26, 2004.

Res. No. 1045-04.

By Council Member Coats.

An emergency resolution withdrawing objection to the renewal of a C2, C2x and D6 Liquor Permit at 12730 St. Clair Avenue and repealing Resolution No. 1639-02, objecting to said renewal.

Whereas, this Council objected to a C2, C2X and D6 Liquor Permit to 12730 St. Clair Avenue by Resolution No. 1639-02 adopted by the Council on August 14, 2002; and

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

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

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

Section 1. That objection to a C2, C2X and D6 Liquor Permit to F & A Beverage, Inc., 12730 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 2600181-0001 be and the same is hereby withdrawn and Resolution No. 1639-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 24, 2004.

Effective May 26, 2004.

Res. No. 1046-04.

By Council Member Lewis.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 8023 Superior Avenue and repealing Resolution No. 430-04, objecting to said transfer.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 8023 Superior Avenue by Resolution No. 430-04 adopted by the Council on March 15, 2004; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Fannie M. Lewis and Sabah Herbawi, President of 8023 Food

Corp., DBA In & Out Food Deal, 8023 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 2455588, a copy of which is in the file for this address with the City Law Department; 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 a C1 and C2 Liquor Permit to 8023 Food Corp., DBA In & Out Food Deal, 8023 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 2455588 be and the same is hereby withdrawn and Resolution No. 430-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted May 24, 2004.

Effective May 26, 2004.

Ord. No. 475-04.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 84th Street to Deborah Copeland.

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). 126-04-056 and 126-04-057, as more fully described below, to Deborah Copeland.

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

P. P. No. 126-04-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 61 in the L.M. Southern, H.F. Hower and Levi Burgert Subdivision of part of Original One Hundred Acre Lot No. 415, as shown by the recorded

plat in Volume 5 of Maps, Page 53 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 84th Street (formerly Southern Avenue) and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 126-04-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 58, in Southern, Hower and Burgert's Subdivision of part of Original One Hundred Acre Lot No. 415, as shown by the recorded plat of said Subdivision in Volume 5 of Maps, Page 53 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 84th Street, (50 feet wide) and extending back of equal width 130 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all 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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 477-04.
By Council Member Cimperman.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 31st Street to Brian Ng.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722

of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-27-089, as more fully described below, to Brian Ng.

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

P. P. No. 104-27-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 89 in James M. Hoty's Subdivision of part of Original 10 Acre Lots Nos. 123 and 124, as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 43rd Street, (formerly McHenry Street) and extending back of equal width 132 9/12 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 478-04.
By Council Member Cimperman.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 12th Street to Tremont West 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). 008-04-036, as more fully described below, to Tremont West Development Corporation or designee.

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

P. P. No. 008-04-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 114 in Jacob B. Perkin's Allotment of part of Original Brooklyn Township Lot No. 71, as shown by the recorded plat in Volume 11 of Maps, Page 52 of Cuyahoga County Records, and being 34 feet front on the Westerly side of West 12th Street, and extending back of equal width 115 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Covenants and restrictions recorded in Volume 468, Page 444 of Cuyahoga County Records.

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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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 May 24, 2004.
Effective May 26, 2004.

Ord. No. 479-04.

By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Central Avenue to Greater Cleveland Habitat for Humanity, Inc.

Whereas, the City of Cleveland adopted and implemented 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. 103-21-037 as more fully described below to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 103-21-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 42, in Horce P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Central

Avenue, S.E. and extending back of equal width 120 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-21-038 as more fully described below, to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 103-21-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 36 feet of Sublot No. 41 in Horace P. Weddall's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and being 36 feet front on the Northerly side of Central Avenue, S.E., and extending back of equal width 120 feet, as appears by said plat.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-21-039 and 103-21-040 as more fully described, to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. Nos. 103-21-039 and 103-21-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 39 and 40 and the Westerly 4 feet from front to rear of Sublot No. 41 in Horace P. Waddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 69 feet on the Northerly side of Central Avenue, S.E., (formerly Garden Street), extending back 120 feet on the Easterly line, 122 feet 8 1/2 inches on the Westerly line, which is also the Easterly line of East 35th Street, (formerly Calvert Street), and having a rear line of 94 feet 6 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. 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 8. 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 9. 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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 10. 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 May 24, 2004.
Effective May 26, 2004.

Ord. No. 617-04.

By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of water treatment chemicals, materials and related services necessary to maintain the heating and cooling systems of the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of water treatment chemicals, materials and related services necessary to maintain the heating and cooling systems, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be

charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 146053)

Section 3. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 618-04.

By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants for internet web link development and internet PDF downloadable services of airline schedules for the various divisions of the Department of Port Control, for a period of one year with two one-year options to renew.

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 authorized to employ by contract or contracts one or more consultants or one or more firms of 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 for internet web link development and internet PDF downloadable services of airline schedules for the various divisions of the Department of Port Control, for a period of one year with two one-year options to renew exercisable by the Director of Port Control. That the decision to exercise the options to renew shall be based on a financial advantage to the City, as determined by the Director of Port Control.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 146049.

Section 3. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 630-04.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance to amend the title, and Sections 1 and 2 of Ordinance No. 474-04, passed March 22, 2004, relating to a Clean Ohio Assessment Grant to conduct the Phase II environmental assessment on Clarkwood and East 68th Street located within the Central Neighborhood's Homeownership Zone and authorizing one or more contracts with Burten, Bell, Carr Development, Inc. to implement the project.

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

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

Section 1. That the existing title, and Sections 1 and 2 of Ordinance No. 474-04, passed March 22, 2004, are amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the Clean Ohio Assistance Fund, for a Clean Ohio Assessment Grant to conduct the Phase II environmental assessment at 2224 Clarkwood Road and 2255 East 68th Street, located within the Central Neighborhood's Homeownership Zone; and authorizing the Director to enter into one or more contracts with Burten, Bell, Carr Development, Inc. to implement the project.

Section 1. That the Director of Community Development is authorized to apply for and accept a grant in the approximate amount of \$128,499, from the Clean Ohio Assistance Fund, for a Clean Ohio Assessment Grant to conduct the Phase II environmental assessment at 2224 Clarkwood Road, a site known as the Clarkwood Junkyard, and at 2255 East 68th Street, formerly known as Cuyahoga Rivet & Screw, both located within the Central Neighborhood's Homeownership Zone, for the purposes described in the summary for the grant contained in the file described below. That the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 474-04-B, made a part as if fully rewritten, is approved in all respects.

Section 2. That the existing title, and Sections 1 and 2 of Ordinance No. 474-04, passed March 22, 2004, are repealed.

Section 3. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 634-04.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Burten, Bell, Carr Development, Inc. to provide economic development assistance to partially finance the redevelopment of a shopping center at East 93rd and Kinsman Road.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Burten, Bell, Carr Development, Inc. to provide economic development assistance to partially finance the redevelopment of a shopping center at East 93rd and Kinsman Road.

Section 2. That the costs of the grant shall not exceed \$20,000 and shall be paid from Fund No. 17 SF 652, Request No. 103617.

Section 3. That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

Section 4. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 692-04.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test and dispose of hazardous and non-hazardous waste and materials, including asbestos assessment and removal, for the Divisions of Cleveland Public Power and Water Pollution Control, 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 authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two

years of the necessary items of labor and materials necessary to test and dispose of hazardous and non-hazardous waste and materials, including asbestos assessment and removal, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Cleveland Public Power and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153120)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is 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 May 24, 2004.
Effective May 26, 2004.

Ord. No. 693-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of unarmed security guard services, for the various divisions of the Department of Port Control, for a period of one year with one one-year option to renew.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the necessary items of unarmed security

guard services in the approximate amount as purchased during the preceding term, for a period of one year, with one option to renew for an additional one-year period, exercisable by the Director of Port Control, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 146057)

Section 3. That the contract or contracts will provide that the contractor or contractors will use best efforts, under the contract, to deploy laid-off Cleveland police officers and City residents.

Section 4. That this ordinance is 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 May 24, 2004.
Effective May 26, 2004.

Ord. No. 694-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts without competitive bidding with Tyco Simplex-Grinnell for labor and materials necessary to maintain, repair, and expand the computerized facility management system, for the Department of Port Control, for a period not to exceed three 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 this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Tyco Simplex-Grinnell. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts with Tyco Simplex-Grinnell under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed three years for labor and materials necessary to maintain, repair, and expand the computerized

facility management system, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 146058)

Section 3. That this ordinance is 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 May 24, 2004.
Effective May 26, 2004.

Ord. No. 695-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants provide the evaluation, remediation and plan development for handling emergency spills at Cleveland Hopkins International and Burke Lakefront Airports; and authorizing the purchase by one or more requirement contracts of the clean-up and disposal of the spills, for the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of 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 provide evaluation, remediation and plan development for handling emergency spills at Cleveland Hopkins International and Burke Lakefront Airports.

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

Section 2. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976,

for the requirements for the period of one or two years of the necessary items of the clean-up and disposal of the spills, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Cleveland Hopkins International and Burke Lakefront Airports, Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the cost of contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 146050.

Section 5. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 703-04.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition and Board-up Programs; and authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs.

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 Community Development Block Grant funds in the amount of One Million Eight Hundred Thirty Thousand Dollars (\$1,830,000) from Fund No. 14 SF 030, Request No. 125760, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 13 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies, and entities providing services necessary to implement the Demolition and Board-up Programs.

Section 3. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

Section 4. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 705-04.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30 from the United States Government; 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 Community Development Block Grant funds in the amount of \$521,000, from Fund Nos. 14 SF 027 and 14 SF 030, are appropriated for the reimbursement of administrative expenses of the Code Enforcement Program incurred in Fund 13 following the appropriate federal regulations for the Department of Building and Housing, in conjunction with the Community Development Block Grant Program.

Section 2. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

Section 3. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 712-04.
By Council Member Rybka.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Fleet Avenue to Slavic Village Development Corporation.

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 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). 132-10-008, as more fully described below, to Slavic Village Development Corporation.

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

P. P. No. 132-10-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 1 in C.G. Bankwill's Trustee Allotment of a part of Original One Hundred Acre Lot Nos. 312 and 313, as shown by the recorded plat in Volume 12 of Maps, Page 26 of Cuyahoga County Records, and forming a parcel of land 40 feet front on the Southerly side of Fleet Avenue, and extending back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 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 including such restrictive covenants and reversionary interests as may be specified by the

Board of Control, the Director of Community Development or the Director of Law.

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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 784-04.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs.

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 one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs in the City of Cleveland.

Section 2. That the aggregate cost of the contracts shall not exceed \$334,000.00, and shall be paid from Fund Nos. 14 SF 027 and 14 SF 030, Request No. 125763.

Section 3. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 856-04.

By Council Members Westbrook, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with WIRE-Net to provide economic development assistance to partially finance a feasibility study, an environmental and market analysis, planning, and other predevelopment costs associated with the redevelopment of the former Midland Steel site at 10615 Madison Avenue.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agree-

ment with WIRE-Net to provide economic development assistance to partially finance a feasibility study, an environmental and market analysis, planning, and other predevelopment costs associated with the redevelopment of the former Midland Steel site at 10615 Madison Avenue.

Section 2. That the costs of the grant shall not exceed Fifteen Thousand Dollars (\$15,000), and shall be paid from Fund No. 17 SF 652, which funds are appropriated for this purpose, Request No. 103619.

Section 3. That the Director of Law is authorized to prepare the grant agreement and such other documents as he deems necessary to complete the transaction.

Section 4. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 858-04.

By Council Members Lewis and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into one or more contracts with QualChoice Inc. for group insurance coverage benefits for City of Cleveland employees.

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

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

Section 1. That the Director of Personnel and Human Resources is authorized to enter into one or more contracts with QualChoice Inc. with terms and conditions similar to existing group medical insurance plans, for group medical insurance with the term of the contracts ending December 31, 2004, or at the start of a new contract term with vendors chosen through the City's Request For Proposal process, whichever is earlier.

Section 2. That the contract shall be prepared by the Director of Law and shall contain any conditions and provisions that the Director deems necessary to protect and benefit the public interest.

Section 3. That this ordinance is 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 May 24, 2004.

Effective May 25, 2004.

Ord. No. 913-04.

By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Con-

cession with Neptune Networks, Inc. for the installation, maintenance, and operation of approximately twenty-five internet kiosks throughout the terminal building at Cleveland Hopkins International Airport, for a period of five years, with one five-year option to renew.

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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter into a Lease By Way of Concession ("Lease") with Neptune Networks, Inc. for the installation, maintenance, and operation of approximately twenty-five (25) internet kiosks throughout the terminal building at Cleveland Hopkins International Airport. The Lease shall be for the use and occupancy of approximately twenty-five (25) separate areas, each approximately three feet by three feet, for a total approximate square footage of two hundred twenty-five (225) square feet (collectively, "Premises").

Section 2. That the term of the Lease shall be for five years, commencing on the effective date of the Lease, with one option, exercisable by the Director of Port Control, to extend the term of the Lease for an additional five (5) year period. The Lease can be terminated on thirty (30) days written notice by the Director. Prior to exercising the five-year option, the Director of Port Control will notify the Clerk of Council and the Chair of City Council's Aviation & Transportation Committee of the intention to exercise the option and will provide to the Clerk and the Chair a cost-benefit analysis supporting the exercise of the option.

Section 3. That Neptune Networks, Inc. shall pay the City rent for the Premises, during each year of the Lease term, of the greater of twenty percent (20%) of annual gross revenues or \$15,600.

In addition to the above rent, Neptune Networks, Inc. shall pay the City a minimum annual guaranteed fee, during each year of the Lease term, of the greater of ten percent (10%) of the customer walk-up fee or the following:

Year 1	— \$40,000
Year 2	— \$60,000
Year 3	— \$80,000
Year 4	— \$80,000
Year 5	— \$80,000

Section 4. That the Lease authorized shall be prepared by the Director of Law and shall contain additional terms and conditions as the Director deems necessary to protect and benefit the public interest.

Section 5. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 1009-04.

By Council Members Zone, Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 59537 for Phase II improvements for the Cleveland Lakefront Bikeway with Schloss Paving Co., for the Department of Parks, Recreation and Properties.

Whereas, Ordinance No. 1526-03, passed August 13, 2003, authorized the Director of Parks, Recreation and Properties to enter into a subsidiary agreement to City Contract No. 59537 with Schloss Paving Co.; and

Whereas, an additional subsidiary agreement is now necessary in order to complete City Contract No. 59537; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make the following alterations and modifications in Contract No. 59537 with Schloss Paving Co. for Phase II improvements for the Cleveland Lakefront Bikeway project, for the Department of Parks, Recreation and Properties:

**CLEVELAND LAKEFRONT BIKEWAY IMPROVEMENTS — PHASE II
SUBSIDIARY #2 PRICE AGREEMENT**

CREDITS — ORIGINAL ITEMS

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
	Contingency .., complete (lump sum) (\$7,254.37/State of Ohio grant) + (\$1,813.59/City matching funds)	\$ 9,067.96
<hr/>		
TOTAL CREDITS — ORIGINAL ITEMS		\$ 1,813.59

NEW ITEMS — SUBSIDIARY ITEMS

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
A22	Furnish and install artwork including all labor, materials, artist fees, superintendence and any other items necessary on the southwest wing wall as directed in the field .., complete (lump sum)	\$ 19,917.54
A23	Furnish and install artwork including all labor, materials, artist fees, superintendence and any other items necessary on the south parapet as directed in the field ... complete (lump sum)	\$ 2,637.50
A24	Furnish and install artwork including all labor, materials, artist fees, superintendence and any other items necessary on the southeast wing wall as directed in the field .., complete (lump sum)	\$ 11,051.89
A25	Furnish and install artwork including all labor, materials, artist fees, superintendence and any other items necessary on the southeast curved wall as directed in the field .., complete (lump sum)	\$ 10,216.72
A26	Furnish and install artwork including all labor, materials, artist fees, superintendence and any other items necessary on the north wall as directed in the field .., complete (lump sum)	\$ 13,761.65
<hr/>		
TOTAL NEW ITEMS — SUBSIDIARY ITEMS		\$ 62,300.18

Original Contract Price	\$ 623,427.75	
First Subsidiary Additions	<u>+170,133.77</u>	(Ord. No. 1526-03)
Revised Contract Amount	\$ 793,566.52	
Additions this subsidiary	\$ 62,300.18	
Credits this subsidiary	<u>- 1,813.59</u>	
Total Subsidiary Additions	\$ 60,486.59	
Revised Contract Amount	\$ 793,566.52	
Total Subsidiary Additions	<u>+ 60,486.59</u>	
Total Revised Contract Amount	\$ 854,053.11	

which alteration has been recommended in writing by the Director of Parks, Recreation and Properties, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed on in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract amount, as revised under Ordinance No. 1526-03, passed August 13, 2003, in the sum of \$60,486.59, payable from Fund Nos. 20 SF 371 and 20 SF 361.

Section 2. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 1035-04.**By Council Member Westbrook.**

An emergency ordinance to amend Section 3103.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2370-01, passed May 13, 2002, relating to the unsafe structure and exterior property nuisances.

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 3103.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2370-01, passed May 13, 2002, is amended to read as follows:

Section 3103.09 Unsafe Structures and Exterior Property Nuisances; Violation and Remedial Notices; Cost Recovery

(a) *Legislative Findings.*

Council of the City of Cleveland finds that:

(1) Structures that are vacant and open to entry at doors, windows or other points accessible to the general public:

- A. Attract children to enter;
- B. Become harborage for vermin;
- C. Serve as temporary abode for delinquents, vagrants and criminals; and
- D. Are likely to be damaged by vandals or set ablaze by arsonists.

(2) Unkept grounds surrounding such vacant, open structures invite the dumping of garbage and rubbish thereupon;

(3) Thousands of structures in this City are made of wood-frame construction that is more flammable than other building types;

(4) Thousands of structures in this City are situated on narrow lots and in close proximity to one another, thereby increasing the risk of conflagration and spread of insect and rodent infestation;

(5) Population loss and economic decline experienced by the City in recent years has caused the incidence of vacant, open structures, high grass, weeds, junk, debris, and junk motor vehicles to increase significantly;

(6) Such vacant, open structures often become dilapidated because they are not repaired by the owners or persons in control of said structures;

(7) Structures that are vacant and open to entry, high grass, weeds, junk, debris, and junk motor vehicles depress the market value of surrounding properties;

(8) The existence of certain hazardous conditions may require a structure to be vacated; such conditions include but are not limited to:

- A. Danger of structural collapse;
- B. Inadequate heat or use of dangerous heating mechanism;
- C. Danger of fire; and
- D. Lack of plumbing in safe working order.

(9) Structures that remain boarded for an extended period of time contribute to blight, cause a decrease in neighboring property val-

ues, create targets for arson, and lead to the cancellation of homeowners' insurance for neighboring property owners.

(10) The following conditions provide harborage and breeding grounds for pests or otherwise create human-health problems:

- A. Grass over 8 inches in height.
- B. Noxious weeds including Russian, Canadian, or common thistle; wild lettuce; wild mustard; wild parsley; ragweed; milk weed; iron weed; wild plants that can cause skin reaction upon contact or produce or aggravate hay fever, asthma, allergic respiratory reaction, or similar conditions; and all other noxious weeds.
- C. Refuse including trash, junk, garbage and food waste, offal, animal wastes, tires, and all other waste materials.
- D. Stagnant surface water.

(11) As used in this Chapter, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:

- A. Three model years old or older;
- B. Apparently inoperable;
- C. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.
- D. Having a fair market value of one-thousand five-hundred dollars or less. (R.C. § 4513.65)

(b) *Declaration of Nuisance.*

(1) All buildings or structures that are injurious to or a menace to the public health, safety or welfare, or are structurally unsafe, unsanitary or not provided with adequate safe egress, or which constitute a fire hazard, or which are vacant and open to public entry, or which are otherwise dangerous to human life or injurious to the public, or which in relation to existing use constitute a hazard to the public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally, for the purposes of this Building Code, declared to be "unsafe structures". All such unsafe structures or conditions are hereby declared to be public nuisances. The public nuisance shall be abated by correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or by demolition.

(2) The conditions listed in division (a)(10) of this section are declared to be nuisances that shall be removed, destroyed, or abated from any property on which they are found.

(3) Junk motor vehicles as defined in division (a)(11) of this section are declared to be nuisances that shall be removed or abated from any property on which they are found. Junk motor vehicles are declared to be a nuisance because:

- A. They harbor rodents, vermin, and other pests;
- B. They contain toxic substances and flammable liquids and fumes;

C. They attract children to enter;

D. They serve as temporary abode for delinquents, vagrants and criminals;

E. They diminish neighboring property values; and,

F. They are likely to be damaged by vandals or set ablaze by arsonists.

(c) *Effective Boarding Pending Rehabilitation.*

(1) *Permits:*

Pending the correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and the Ohio Administrative Code, including the Ohio Building Code, the owner of a structure may secure the structure through effective boarding. In order to effectively board the structure, the owner of the structure shall apply, within seven (7) days of receiving a notice of violation, to the Division of Building and Housing for a permit to board. The Division of Building and Housing shall review the condition of the structure, determine if it can be effectively boarded, and grant or deny the owner's permit to board, setting forth special requirements, if any, necessary for compliance with minimum standards for effective boarding. The owner shall effectively board the structure within seven (7) days of the issuance of a boarding permit, or within such other time limit that the Director deems appropriate. Structures which are boarded without first obtaining a boarding permit shall continue to be considered public nuisances subject to demolition. Within thirty (30) days of the issuance of a permit to board, the owner of the structure shall apply for a rehabilitation permit pursuant to Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976. The Director may grant an extension of time for acquiring a rehabilitation permit upon the owner's written request and for good cause shown. Failure of the owner to obtain a rehabilitation permit subsequent to effective boarding will result in the structure being deemed a public nuisance, and scheduled for demolition.

(2) *Materials:*

The effective boarding of a structure shall include, but not be limited to, doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. Such openings shall be secured by plywood, not less than one-half inch (1/2") thick, or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight inches (48") wide shall be framed with two inch by four inch (2" x 4") lumber and plywood, or equivalent material fastened twenty-four inches (24") on center onto frame. The plywood or equivalent material shall be fastened into the openings by screw type nails or lag screws.

(3) *Maintenance:*

Upon effectively boarding the structure, the owner shall monitor

and maintain the structure and its surrounding premises in a safe, sanitary and secured condition. Any portion of the exterior structure which is deemed to be potentially hazardous due to deteriorated conditions, or to be structurally unsound shall be removed or treated in such a manner so as to eliminate the hazard. The exterior premises shall be maintained free of high weeds, debris, junk vehicles, and conditions that may provide harborage for rodents. Failure of the owner to properly maintain the building in the above condition, will result in the structure being deemed a public nuisance, and scheduled for demolition.

(4) *Rehabilitation:*

Rehabilitation of the structure shall commence within ninety (90) days of receiving a rehabilitation permit pursuant to Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976. If rehabilitation of the effectively boarded structure does not commence within this time period, or if the rehabilitation permit is otherwise invalidated or revoked, then the Director may declare that the nuisance has not been abated and schedule the structure for demolition.

(d) *Examination and Condemnation.*

(1) The Director is authorized to examine or cause to be examined every building or other structure reported to be unsafe or damaged or injurious to or a menace to the public, and shall make a written record of such examination.

(2) The Director may designate as a public nuisance those particular structures or conditions found to be unsafe pursuant to division (b) of this section.

(3) The Director may also declare that a nuisance structure which, due to its advanced state of dilapidation, substantial fire damage or structural infirmity, is an immediate hazard to human life or health, may only be abated by immediate repair and rehabilitation to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or by demolition.

(4) Whenever the Director finds a vacant structure open to entry at doors, windows or other points accessible to the general public, he may cause the structure to be secured at those points of entry. The Director shall be authorized at any time to enter upon the premises to secure the structure in order to lessen the severity of the public nuisance. In securing such structure, the Director may call upon any department, division or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such structure. Such securing shall not be deemed to constitute "effective boarding" pursuant to division (b) of this section, and it does not abate the nuisance condition of an unsafe struc-

ture, as declared pursuant to division (d)(2) of this section, unless so declared in writing by the Director. Subsequent notice, issued pursuant to division (e)(1) below, shall include the fact that the Director has found it necessary to take appropriate action to secure the structure.

(e) *Notice of Violation.*

(1) Whenever the Director finds a building, structure or portion thereof to be unsafe and determines it or the property on which it is located to be a public nuisance as defined in this Chapter, he shall forward by certified mail to the owner, agent or person in control of such building, structure or portion thereof and to any mortgagee of record a written notice of violation stating the defects thereof. Such notice of violation shall require the owner within a stated time to abate the nuisance condition of such structure by correction of the violations and defects to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or by demolition and removal of the building, structure, or portion thereof. The notice also shall state that if the nuisance is not abated within the required time that the Director may take appropriate action to repair, remove, or otherwise abate the public nuisance and that the owner, agent or person in control shall be responsible for the costs.

(2) If the person to whom such notice and order is addressed is not found after a reasonable and diligent search, then such notice and order shall be sent by certified mail to his tax mailing address, if available, as indicated on the County tax duplicate, and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed legal service of such notice.

(3) An owner or agent or person in control of such structure or building, a mortgagee of record, or a lien holder of record who has received a notice of violation or a notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or to demolish and remove, as provided for in this section, shall inform prospective purchasers, vendees, grantees, assignees, lessees, or land contractees thereof of such notice of violation or the notice to make corrections, or to demolish and remove. No person shall transfer to a vendee, grantee, assignee, lessee, land contractee or any other transferee any interest in a building, structure or portion thereof after receiving a notice of violation to make corrections, or to demolish and remove the same, without first providing the transferee with a copy of such notice.

(4) A. No person, agent, firm or corporation shall sell, by land contract or otherwise, any interest in any structure or building without furnishing the buyer, prior to the sale a copy of any outstanding notice or order from the City, including any notice of violation or any outstanding notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio 1976, applicable City rules and regulations, the Ohio Revised Code including the Ohio Building Code, or any outstanding notice to demolish and remove.

No buyer or grantee, by land contract or otherwise, shall obtain any interest in any structure or building without obtaining from the seller, prior to sale, the documents described above.

B. No person, agent, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of a structure or building situated in the City, shall disburse any funds unless the provisions of this division have been met.

C. Any buyer or grantee, by land contract or otherwise, of a structure or building, shall begin at the date of transfer to comply with any notice or order obtained or to be obtained pursuant to this division and, within ten days of the date of transfer, shall notify the Director, in writing, of the actions that will be taken to comply. The Director may then establish a reasonable time to comply.

(f) *Vacating Buildings and Prohibiting Use.*

The Director may also require in the notice issued pursuant to division (e)(1) of this section that the building, structure or portion thereof be vacated are not reoccupied or used until the specified repairs and improvements are completed, inspected, and approved by the Director. The Director may cause to be posted at each entrance to such building or structure a notice as follows: "THIS STRUCTURE IS IN A DANGEROUS CONDITION AND HAS BEEN CONDEMNED AND ITS USE HAS BEEN PROHIBITED BY THE DIRECTOR OF BUILDING AND HOUSING." Such notice shall remain posted until the required corrections are made or demolition is completed. No person shall remove such notice without written permission of the Director, nor shall any person use or enter the building or structure except for the purpose of making the required corrections or demolishing or effectively boarding the building or structure, or securing the structure pursuant to division (d)(4) of this section.

(g) *Right to Appeal.*

The owner, agent or person in control shall have a right to appeal from the notice and decision of the Director as provided in this section and appear before the Board of Building Standards and Building Appeals at a specified time and place to show cause why he should not comply with such notice. Any

notice served by the Director shall automatically become a final order if a written notice of appeal before the Board is not filed in the office of the Board within the time set forth in such notice from the Director. In the absence of an appeal, all actions taken pursuant thereto shall constitute a valid exercise of the police powers of the City of Cleveland.

(h) *Noncompliance with Notice.*

(1) Director Authorized To Demolish, Remove, or Abate. In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or portion thereof, the Director may take appropriate action to demolish and remove an unsafe structure or to remove or abate any condition that is defined as a nuisance under this Chapter.

(2) Action by Director of Law. The Director may advise the Director of Law of the facts in the case, who may institute appropriate action in the court to cause correction of the violations and defects, or demolition and removal, or effective boarding of such building or structure pending rehabilitation.

(3) Rehabilitation Permits Not Bar To Director's Action To Abate. The securing of rehabilitation permits for such building or structure shall not in and of itself bar the Director from taking action to abate the nuisance.

(4) Effective Boarding by Director. The Director may, with respect to any condemned structure, also take appropriate action to effectively board such structure, or to secure it pursuant to division (d)(4) of this section. The Director shall specifically state in writing his findings with respect to such structure, and shall determine whether to secure or to effectively board, based upon factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent to which the structure is secured, the likelihood of vandalism or arson, the extent of the deterioration, the economic likelihood of eventual rehabilitation of the structure, or cost of securing or effectively boarding the structure.

(5) Failure To Comply with Notice. In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or portion thereof, or to remove or abate any other condition that is defined as a nuisance under this Chapter, the Director may take appropriate action to take repair or maintenance measures or to otherwise abate the public nuisance. The Director shall specifically state in writing the findings with respect to the structure, and shall determine whether to perform repair or maintenance upon factors which may include the following: the distance of the structure

from neighboring structures, the type of structure, the extent of deterioration, the likelihood of vandalism or arson, the economic likelihood of eventual complete rehabilitation of the structure, the cost of repair or maintenance.

(6) Notice of Intent To Demolish. Except as provided in subsection (i) hereof, the Director shall give written notice informing the owner, agent, or person in control, mortgagee of record and lien holders of record of the City's intention to demolish and remove the unsafe building or structure at least thirty days prior to such intended action by the City. Such notice may be effective concurrently with the violation notice. A condemned structure, once effectively boarded by the owner pending rehabilitation that subsequently becomes open to entry, may then be demolished and removed, subject to the Director giving written notice as stated in divisions (e)(1) and (h) of this section, upon a finding by the Director that the structure can no longer be effectively boarded.

(i) Junk Motor Vehicle Removal

(1) Notice. The Director shall send written notice, by certified mail with return receipt requested, to the person having the right of possession of the property on which a junk motor vehicle, as defined in this Chapter, is left. This notice shall notify the person having right of possession of the property that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or removed from the property.

(2) Director Authorized To Remove Junk Motor Vehicles. The Director is authorized to provide for and order the removal of a junk motor vehicle when the junk motor vehicle has not been either covered by being housed in a garage or other suitable structure or removed from the property, within ten days of the date of receipt of the above notice to the person having the right of possession of the property on which the junk motor vehicle is left.

(j) Cases of Emergency.

In cases of emergency that, in the opinion of the Director, involve immediate danger to human life or health, the Director shall promptly cause the building, structure or portion thereof to be made safe or removed. For this purpose he may at once enter such structure or land on which it stands, or any abutting land or structure, with such assistance and at such cost as he deems necessary. He may request the Director of Public Safety to enforce the orders he gives that are necessary to cause the building, structure or portion thereof to be made safe or removed. The Director of Public Safety has the authority to enforce such orders. He may order adjacent structures and premises to be vacated, and protect the public by an appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

(k) *Costs.*

(1) Any and all expenses or costs incurred under this section for the removal, repair, alteration, securing or boarding of a building or structure or for abating any other nuisance shall be paid by the owner of such building or structure, except when such expenses or costs are incurred with respect to a government or school building owned by a governmental entity or political subdivision and are funded by federal money.

(2) Whenever an inspection is made after the compliance date stated on a Notice of Violation of the Building Code, the Housing Code, or the Zoning Code or after a compliance date determined by a court of competent jurisdiction to determine whether the violation has been remedied and the violation has not been remedied, or an additional permit is obtained for work previously permitted and the original permit has expired or was appropriately voided, there shall be charged a fee of one hundred dollars (\$100.00) for each such inspection, except that this fee shall not apply to one-family and two-family owner-occupied dwelling structures.

(3) If the owner fails to pay for the costs of removal, repair, alteration, securing or boarding or of inspections of violations that have not been remedied within thirty days from the date the Director of Building and Housing sends a statement of the charges and costs incurred therein, the Director may certify such amount to the Commissioner of Assessments and Licenses. The Commissioner of Assessments and Licenses shall make written return to the County Auditor of the action under this section with a statement of the charges for services, the amount paid for the performing of such labor and a proper description of the premises. Certification to the County Auditor is for the purpose of making expenses and costs a lien upon such lands, to be collected as other taxes and returned to the City with the General Fund, with special accounting thereof in accordance with Ohio R.C. 715.261.

(4) Notwithstanding the method of collection set forth in this division, the Director of Law may take any action necessary to collect the costs of demolition, boarding, or other nuisance abatement from the owner or other responsible party.

Section 2. That existing Section 3103.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2370-01, passed May 13, 2002, is repealed.

Section 3. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 1036-04.**By Council Member Jackson.****An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Abdush Shakur (Jefferies)).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

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

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 5: Abdush Shakur (Jefferies).

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

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

Section 4. That this ordinance is 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 May 24, 2004.

Effective May 26, 2004.

Ord. No. 1037-04.**By Council Member Britt.****An emergency ordinance authorizing the Director of Public Health Department to enter into an agreement with Cobalt Group, Inc. for the Healthy Cleveland Initiative Program through the use of Ward 6 Neighborhood Equity Funds.**

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 the Director of the Public Health Department is authorized to enter into an agreement with Cobalt Group, Inc for the Healthy Cleveland Initiative Program for the public purpose of educating Cleveland residents on dis-

ease prevention and to determine health priorities for Cleveland neighborhoods through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$53,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed May 24, 2004.

Effective May 26, 2004.

Ord. No. 1038-04.**By Council Member Conwell.****An emergency ordinance to amend Section 1 of Ordinance No. 908-03 passed December 1, 2003 relating to creation of a Mayor's Taskforce on Responsible Fatherhood.**

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

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

Section 1. That Section 1 of Ordinance No. 908-03 passed December 1, 2003 is hereby amended to read as follows:

Section 1. There is hereby established a Mayor's Task Force on Responsible Fatherhood consisting of one (1) representative to be appointed by the Mayor from the Community Relations Board; one (1) representative to be appointed by the Mayor from each of the following City departments: the Department of Health, and the Department of Personnel and Human Resources; two (2) appointed by the Mayor from the Department of Public Safety; two (2) representatives from Council to be appointed by the Council President; two (2) representatives from the Cleveland Public School District; and eleven (11) citizen representatives; five (5) appointed by the Mayor; five (5) appointed by the Council President; and one (1) appointed jointly by the Mayor and the Council President. One of these members shall be elected Chairman every two (2) years by the members of the Task Force. The Task Force shall appoint a Secretary, who may or may not be a member of the Task Force, and who shall serve at the pleasure of the Task Force. Such Task Force shall adopt its own rules and order of business and keep a journal of its proceedings. The Task Force shall meet at

least every 2 months, and upon the call of the Chairman.

Section 2. That the existing Section 1 of Ordinance No. 908-03 passed December 1, 2003 is hereby repealed.

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

Passed May 24, 2004.

Effective May 26, 2004.

Ord. No. 1039-04.**By Council Member White.****An emergency ordinance authorizing the Director of Department of Parks, Properties, and Recreation to enter into an agreement with the Dove Park Panthers Youth Association for the Youth Sports Football Recreation Program through the use of Ward 2 Neighborhood Equity 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 Department of Parks, Properties, and Recreation is authorized to enter into an agreement with the Dove Park Panthers Youth Association for the Youth Sports Football Recreation Program for the public purpose of providing a youth sports recreation program for youths residing in the City of Cleveland through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed May 24, 2004.

Effective May 26, 2004.

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NO MEETINGS

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