

The City Record

Official Publication of the Council of the City of Cleveland



January the Twenty-First, 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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www.clevelandcitycouncil.org

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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	3466 Bosworth Road	44111
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

David M. McGuirk, Executive Assistant

Timothy Mueller, Executive Assistant

Craig Tame, 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, Galen L. Schuerlein, Acting Chief Counsel, Rm. 106

Karen E. Martinez, 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 – Darnell Brown, 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 Weibusch, 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, Acting 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 – James A. Draper, 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 – Linda M. Hudecek, 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 – Steven Sims, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 11, 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,

Eugene Cranford, Jr., 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 Leohr, 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

Baultknicht, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical

Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorky, Chairman; Earl S. Bumgarner,

Alfred Fowler, Jozef Valencik, 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. Triozzi	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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, JANUARY 21, 2004

No. 4702

CITY COUNCIL

FRIDAY, JANUARY 16, 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

Cleveland, Ohio
Friday, January 16, 2004

The special meeting of the Council was called to order, The President, Frank G. Jackson, in the Chair.

Council Members present: Brady, Britt, Cimperman, Coats, Conwell, Johnson, Jones, O'Malley, Pierce Scott, Reed, Rybka, Sweeney, Westbrook, White and Zone.

Opening prayer and pledge of allegiance dispensed with.

MOTION

On the motion of Council Member Cimperman, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Sweeney.

OFFICIAL CALL FOR SPECIAL MEETING OF COUNCIL HELD ON FRIDAY, JANUARY 16, 2004

File No. 93-04.

January 15, 2004

Council Members Joseph Jones, Robert White, Zachary Reed, Patricia Britt, Ken Johnson, Fannie Lewis, Sabra Pierce Scott, Kevin Conwell,

Roosevelt Coats, Michael Polensek, Edward Rybka, Joseph Cimperman, Nelson Cintron, Jr., Merle Gordon, Michael O'Malley, Matthew Zone, Jay Westbrook, Dona Brady, Martin Sweeney and Michael Dolan.

Dear Council Member:

In accordance with the Rules of Council, please be advised that a special meeting of Cleveland City Council will be held tomorrow morning, Friday, January 16, 2004 at 9:30 a.m. in the Council Chamber for the purpose of a second reading and vote on Ordinance No. 43-04.

Very truly yours,
FRANK G. JACKSON,
President of Council

Received.

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 43-04.

By Council Member Cimperman. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program to Cuyahoga Metropolitan Housing Authority for new construction as part of its Valley View Hope VI Revitalization Plan in the Tremont Neighborhood.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

MOTION

By Council Member Cimperman, seconded by Council Member Sweeney and unanimously carried that the absences of Council Members Nelson Cintron, Jr., Michael Dolan, Merle Gordon, Fannie Lewis and Michael D. Polensek be and is hereby authorized.

MOTION

The Council Meeting adjourned at 9:41 a.m. to meet on Monday, January 26, 2004, at 7:00 p.m. in the Council Chambers.

Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 14, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 14, 2004, at 10:30 a.m. with Director Chandra presiding.

Present: Directors Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Houston, Directors Fumich, Taylor and Williams.

Absent: Mayor Campbell.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Donna Felder, Acting Director, Office of Equal Opportunity.

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

Resolution No. 6-04.

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of December, 2003 in the amount of \$4,431.96, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Houston, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Ricchiuto.

Resolution No. 7-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that all bids received on January 7, 2004, for the purchase of an estimated quantity of steel plates, all items 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: Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Houston, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Ricchiuto.

Resolution No. 8-04.

By Director Mok.

Be it resolved by Board of Control of the City of Cleveland that the employment of the following sub-consultants by Day Electric, Inc., under City Contract No. 62299 for the public improvement of the Upgrade Electrical Vaults Five (5) and Seven (7), including Base Bid Alternate No. 1 and Alternate No. 5, (Contingency — 12%) for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on August 8, 2003, pursuant to the authority of Ordinances Nos. 1260-02 and 1286-97, passed by the Council of the City of Cleveland on December 16, 2002 and December 15, 1997, respectively, and Board of Control Resolution No. 692-03, adopted November 12, 2003 is hereby approved:

Subcontractor

MBE/FBE % — Dollar Amount

Atlas Electric
5.25% — FBE \$75,000.00

Cold Harbor Building
1.26% Non-MBE/FBE — \$18,000.00

Call Henry, Inc.
10.09% Non-MBE/FBE — \$144,000.00

Be it further resolved that Board of Control Resolution No. 692-03, adopted November 12, 2003, affirming and approving a public improvement contract to Day Electric Inc., is amended by increasing the subcontracting amount approved to Minority Electric from 10.17% MBE to 16.05% MBE and increasing the dollar amount from \$145,000 to \$229,000 dollars.

Be it further resolved that all other provisions of Resolution No. 692-03 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Houston, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell, Director Ricchiuto.

Resolution No. 9-04.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Avery Dennison Inc. for purchase of vinyl sheeting used for the fabrication of traffic signs Items 1, 2, 3, and 4 for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on November 20, 2003, pursuant to the authority of Ordinance No. 371-03 passed March 24, 2003, which on the basis of the estimated quantity would amount to Ninety Thousand, Three Hundred and Ninety Dollars (\$90,390) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby authorized to enter into a requirement contract for such goods which shall provide for the immediate purchase as the initial amount of such contract of the following.

Requisition No. 139716

which shall be certified against such contract in the sum of Ten Thousand and Thirteen Dollars (\$10,013).

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

Yeas: Directors Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Houston, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell.

Resolution No. 10-04.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Unique Paving Materials Corporation for an estimated quantity of cold mix, item No. 2 for the Division of Streets, Department of Public Service, for the period of two (2) years beginning on date of execution of a contract, received on November 20, 2003, pursuant to the authority of Ordinance No. 364-03 passed March 24, 2003, which on the basis of the estimated quantity would amount to Three Hundred Thirty One Thousand One Hundred and 00/100 Dollars (\$331,100.00), 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. 139455

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

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

Yeas: Directors Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Houston, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell.

Resolution No. 11-04.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 105-14-052 under said Land Reutilization Program; and

Whereas, Ordinance No. 2245-03 passed December 15, 2003, authorized the sale of said parcel for a

consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Lottie Sims has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2245-03 passed December 15, 2003, 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 Lottie Sims for the sale and development of Permanent Parcel No. 105-14-052, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Houston, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell.

Resolution No. 12-04.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No(s), 103-22-096, 103-22-097, 103-25-008 and 103-25-009 under said Land Reutilization Program; and

Whereas, Ordinance No. 2244-03 passed December 15, 2003, 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, Burten, Bell, Carr Development, Inc. 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. 2244-03 passed December 15, 2003, 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 Burten, Bell, Carr Development, Inc. for the sale and development of Permanent Parcel No(s), 103-22-096, 103-22-097, 103-25-008 and 103-25-009, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Chandra, Baker, Konicek, Acting Director McGraw,

Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Houston, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell.

Resolution No. 13-04.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on May 30, 2003 for Labor and Materials to Maintain Card Access, Electronic Security Systems and Fire Detection/Suppression Systems for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 1388-2000, passed by the Council of the City of Cleveland on October 9, 2000 are hereby rejected.

Yeas: Directors Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Houston, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell.

Resolution No. 14-04.

By Directors Ricchiuto, Hudecek and Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Fabrizi Trucking & Paving Company Inc., for the public improvement of Carver Park Estates — Phase 1 (Items 1 through 92), for the Division of Engineering and Construction, Departments of Public Service, Community Development, and Public Utilities, received on December 18, 2003, pursuant to the authority of Ordinance No. 241-03, passed May 12, 2003, upon a unit basis for the improvement, in the aggregate amount of One Million, Four Hundred Six Thousand, Three Hundred Eighty-Two and 75/100 Dollars (\$1,406,382.75), is hereby affirmed and approved as the lowest responsible bid; and the Directors of Public Service, Community Development and Public Utilities are hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by Fabrizi Trucking & Paving Company Inc. for the aforementioned public improvement hereby is approved:

McTech Corp., d.b.a. Tech Ready Mix
5000 Crayton Avenue
Cleveland, Ohio 44104
MBE — 17.78% — \$250,000.00

Julian Supply Company
16300 Waterloo
Cleveland, Ohio 44121
FBE — 1.35% — \$19,000.00

Friedel Trucking Company, Inc.
5714 Archmere Avenue
Cleveland, Ohio 44116
FBE — 3.91% — \$55,000.00

Yeas: Directors Chandra, Baker, Konicek, Acting Director McGraw, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director

Houston, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell.

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 stated 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

CORRECTION

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 26, 2004

9:30 A.M.

Calendar No. 03-343: 2202 Superior Avenue (Ward 13)

Renee and Brian Heller, owners, appeal to change to a live-work use the third floor of an existing approximate 99' x 155' four-story masonry building, situated on a 100' x 175' parcel located in a Semi-Industry District on the south side of Superior Avenue at 2202 Superior Avenue; the partial change of use being contrary to Section 355.04 of the Area Requirements where the maximum gross floor area permitted is 8,750 s/f and 70,000 s/f is proposed and contrary to the Yards and Courts Regulations there is no rear yard proposed where a 20' rear yard is required as stated in Section 357.08(b)(2) of the Codified Ordinances.

Calendar No. 03-344: 885 East 146th Street (Ward 10)

The Cleveland Municipal School District, owner c/o David Dickenson, agent, appeals to construct a

255' x 365' two-story elementary/middle school building, situated on an acreage parcel located in a Two-Family District on the east side of East 146th Street at 885 East 146th Street; contrary to Sections 337.02(f)(3)A and 337.03(b), where in a Two-Family District, a school requires the Board of Zoning Appeals approval and subject to the Off-Street Parking and Loading Requirements, 63 parking spaces are provided where 90 parking spaces are required as calculated under the provisions of Section 349.04(c) of the Codified Ordinances.

Calendar No. 03-345: 9730 Denison Avenue (Ward 18)

Angel and Norma Dones, owners, appeal to change a store and two dwelling units to a church and two dwelling units in a 40' x 85' two-story frame, mixed use building situated on a 37' x 126' corner lot located in a Local Retail Business District on the northeast corner of West 98th Street and Denison Avenue; contrary to Section 349.04 of the Off-Street Parking and Loading Requirements, where one parking space is required per six seats and a total of eleven parking spaces are required with five spaces credited, leaving a balance of six parking spaces needed and not shown on the plan; and contrary to the provisions for Landscaping and Screening, no landscape strips are shown where a 6' wide landscape frontage strip is required to screen the parking from the street and an 8' landscape transition strip is required to separate the use from the Residential District to the rear as stated in Sections 352.08-352.11 of the Codified Ordinances.

Calendar No. 03-346: 1194 East 79th Street (Ward 7)

The Shiloh Temple House of God, owner c/o Bishop Steven Best, appeal to construct a 114' x 120' parking lot in a General Retail Business District on the northeast corner of East 79th Street and Donald Avenue; the proposed parking lot to provide accessory parking for a new church on the northwest corner of East 79th Street and Donald Avenue, for which the Board of Zoning Appeals granted a variance in Calendar No. 03-232; the parking lot construction being contrary to the Business Districts Regulations, where two driveways are proposed and there may be no more than one driveway on a lot that has less than a 150' frontage as stated in Section 343.18(a) of the Codified Ordinances.

Calendar No. 03-348: Appeal of Abdissalam Abdi Hack License Suspension

Abdissalam Abdi appeals under Chapter 76-6 of the Charter of the City of Cleveland and Section 443.36 of the Codified Ordinances from the suspension of a City of Cleveland Hack License scheduled to begin December 30, 2003 and continuing through January 6, 2004 issued by Dedrick Stephens, Commissioner of Assessments and Licenses.

EUGENE CRANFORD, JR.,
Secretary

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, FEBRUARY 2, 2004

9:30 A.M.

Calendar No. 03-344: 3500 East 147th Street (Ward 3)

The Cleveland Municipal School District, owner c/o David Dickenson, agent, appeals to construct a 255' x 365' two-story elementary/middle school building, situated on an acreage parcel located partially in a Local Retail Business District and in a Two-Family District at 3500 East 147th Street; contrary to Sections 337.02(f)(3)A and 337.03(b), where in a Two-Family District, a school requires the Board of Zoning Appeals approval and subject to the Off-Street Parking and Loading Requirements, 63 parking spaces are provided where 90 parking spaces are required as calculated under the provisions of Section 349.04(c) of the Codified Ordinances.

Calendar No. 03-347: 3735 West 33rd Street (Ward 15)

Alex Badea, owner, appeals to enclose an 18' x 31' porch of an existing two-story, dwelling units building situated on an approximate 70' x 134' parcel that is located in a Two-Family District on the east side of West 33rd Street at 3735 West 33rd Street; the proposed enclosure being subject to the Nonconforming Use provisions, where the expansion or addition to an existing nonconforming building requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 03-349: 15209 Florida Avenue (Ward 1)

Ebenezer Assembly of Christ Church, owner c/o Pastor Claude Cummings, appeals to construct a two-story addition for classrooms to an existing 57' x 65' one and two-story masonry church building, situated on a 120' x 100' parcel located in a B1 Two-Family District on the north side of Florida Avenue at 15209 Florida Avenue; the proposed construction being contrary to the Area Regulations in Section 355.04, where all main buildings in Residence Districts in a "B" area district are limited to one-half of the lot size and a 6,000 s/f gross floor area is permitted where 10,415 s/f is proposed; and no parking is provided on the plan, contrary to Section 349.04(a) of the Off-Street Parking and Loading Requirements, where a church and assembly hall require parking at the rate of one space per six seats and classrooms, a school, require parking at the rate of one space per two teachers or other employees as stated in Section 349.04(c) of the Codified Ordinances.

Calendar No. 04-02: 4507 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 25' x 81' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4507 West 193rd Street; the proposed construction being contrary to Section 355.04

under Area Regulations that requires a 4,800 s/f lot size and 2,012 s/f is provided and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 25' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, a front yard building setback line of 12' is required and 11' is provided; and Sections 357.09(2)B, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width and only 8' is provided and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-03: 4509 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 16.5' x 81' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4509 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,336 s/f is provided, and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 16' is provided and a minimum of floor area 1,250 s/f is required and 1,190 s/f is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, a front yard building setback of 12' is required and 10' is provided; and contrary to Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-04: 4511 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 81' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4511 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,384 s/f is provided, and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 17' is provided and a minimum floor area of 1,250 s/f is required and 1,190 s/f is provided; and contrary to Sections 357.08(2)(b) of the Yards and Courts Requirements, a rear yard of 20' is required and 17' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-05: 4515 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 81' area of a 300' x 174' parcel located in an A1 One-

Family District on the east side of West 193rd Street at 4515 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,384 s/f is provided, and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 17' is provided and a minimum floor area of 1,250 s/f is required and 1,190 s/f is provided; and contrary to Sections 357.08(2)(b) of the Yards and Courts Requirements, a rear yard of 20' is required and 17' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-06: 4517 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame one family townhome on a 16.5' x 82' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4517 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,347 s/f is provided, and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 25' is provided and a minimum floor area of 1,250 s/f is required and 1,190 s/f is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, a front yard setback building line of 12.2' is required and 11' is provided; and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-07: 4519 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame one family townhome on a 26' x 82' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4519 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 2,111 s/f is provided and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 25' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, a front yard setback building line of 12.2' is required and 11' is provided; and Sections 357.09(2)B, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width and only 9' is provided; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-08: 4521 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50'

two-story, frame one family townhome on a 26' x 78' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4521 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 2,008 s/f is provided and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 26' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, where a building setback line of 11.6' is required and 10' is provided and Section 357.08(2)(b) where a rear yard setback of 17' is provided and 20' is required and Sections 357.09(2)B, where the total side yards required are 10' and no interior side yard shall be less than 3' in width and only 9' is provided; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-09: 4523 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 16.5' x 78' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4523 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,291 s/f is provided and there is a minimum of 30' for street frontage required and the minimum floor area allowed is 1,250 and 1,190 s/f is provided; and a minimum lot width of 50' is required and 16.5' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, where a building setback line of 11.7' is required and 10' is provided and Section 357.08(2)B where a rear yard setback of 20' is required and 18' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-10: 4525 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 79' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4525 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,335 s/f is provided and there is a minimum of 30' for street frontage required and the minimum floor area allowed is 1,250 s/f and 1,190 s/f is provided; and a minimum lot width of 50' is required and 17' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, where a building setback line of 11.7' is required and 15' is provided and Section 357.08(2)B where a rear yard setback of 20' is required and 15' is provided and Sections 357.09(2)B, no interior side yards

are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-11: 4527 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 79' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4527 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,339 s/f is provided and there is a minimum of 30' for street frontage required and the minimum floor area allowed is 1,250 s/f and 1,160 s/f is provided; and a minimum lot width of 50' is required and 17' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, where a building setback line of 11.7' is required and 15' is provided and Section 357.08(2)B where a rear yard setback of 20' is required and 15' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-12: 4529 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 16' x 79' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4529 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,303 s/f is provided and there is a minimum of 30' for street frontage required and the minimum floor area allowed is 1,250 s/f and 1,190 s/f is provided; and a minimum lot width of 50' is required and 16' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, where a building setback line of 11' is required and 10' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 04-13: 4531 West 193rd Street (Ward 21)

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 25' x 79' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4531 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,983 s/f is provided and a minimum lot width of 50' is required and 25' is provided; and Section 357.08(2)B where a rear yard setback of 20' is required and 9' is provided and Sections 357.09(2)B, where a total of 10' is

the required width for interior side yards or a minimum width of 3' for an interior side yard and only 3' is provided; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

TUESDAY, JANUARY 20, 2004

At the meeting of the Board of Zoning Appeals on Tuesday, January 20, 2004, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 03-338: 18920 Fairville Avenue

Diane Muzychenko appealed to erect a 16' x 10' frame front porch to a one family dwelling in a One-Family District.

Calendar No. 03-339: 2062 East 30th Street

Zion Evangelical Lutheran Church appealed to install 72 1/f of 6'4" high ornamental fence with a gate at the front of a church in a General Retail Business District; with the condition that fence be a 6' height.

Calendar No. 03-340: 2900 Detroit Avenue

2900 Detroit Ltd. appealed to establish use as an office a three-story brick building in a Semi-Industry District; subject to conditions regarding accessory off-street parking agreements.

Calendar No. 03-341: 1871 West 25th Street

Rialto Corporation appealed to expand an existing nonconforming nightclub by adding a 1,500 s/f outdoor patio and increasing the occupancy by 100 persons in a 60' x 84' two-story building in a General Retail Business District.

Calendar No. 03-342: 15721-23 Waterloo Road

Northeast Shore Development Corporation appealed to expand a day care use by making use of an additional 590 s/f of floor space in a two-story office and day care building in a Local Retail Business District.

Calendar No. 03-299: 2800 East 90th Street

Lomack Drum Company appealed to change the use of an existing factory building to vehicle maintenance and shredding of plastic drums in a General Industry District; subject to conditions regarding fence installation.

The following appeals were **Denied**:

None.

The following appeal was **Postponed**:

Calendar No. 03-315: 3611 Payne Avenue postponed to February 9, 2004.

On Tuesday, January 20, 2004, in Executive Session:

The following appeals were heard by the Board on Monday, January 12, 2004, and said decisions were approved and adopted in Executive Session on Tuesday, January 20, 2004:

The following appeal was **Approved**:

Calendar No. 03-336: 2820 Community College Avenue
Arbor Park Place LLP appealed to redevelop and do new construction for a shopping plaza in a Local Retail Business District.

The following appeals were **Denied**:

Calendar No. 03-333: 3580-82 West 135th Street

Brian Heidleman appealed to enclose the 6' x 24' existing front porches of a two-family dwelling house in a Two-Family District.

Calendar No. 03-335: 5516 Stickney Avenue

Dorothy Newton appealed to construct a 5' x 12' one-story kitchen addition to a one family dwelling in a Two-Family District.

Calendar No. 03-337: 3503 West 99th Street

Nabil Shehada appealed to enclose two existing front porches of a two family dwelling in a Two-Family District.

EUGENE CRANFORD, JR.,
Secretary

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

Re: Report of the Meeting of
January 14, 2004

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

* * *

Docket A-93-03.

RE: Appeal of BMG Management Group, Owner of the Property located on the premises known as 13000 St. Clair Avenue from an ABATEMENT ORDER — FIRE CODE of the Chief of the Division of Fire, dated April 22, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled in thirty (30) days (February 25, 2004).

* * *

Docket A-100-03.

RE: Appeal of Estate of Alvin A. Nayman, Owner of the Property located on the premises known as 4906 Praha Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 21, 2003, requiring compliance with the Codified Ordinances of the

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

Docket A-100-03 has been DISMISSED at the request of the Fire Prevention Bureau January 14, 2004.

* * *

Docket A-101-03.

RE: Appeal of Estate of Alvin A. Nayman, Owner of the Property located on the premises known as 2962 East 50th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 21, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-101-03 has been DISMISSED at the request of the Fire Prevention Bureau January 14, 2004.

* * *

Docket A-123-03.

RE: Appeal of Kay Finney/Kemish Mapango, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 1252 East 87th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE/30 DAY CONDEMNATION ORDER — GARAGE of the Commissioner of the Department of Building and Housing, dated October 15, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for additional time and to REMAND the property at 1252 East 87th Street to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-125-03.

RE: Appeal of West Shore Realty, Inc., Owner of the Property located on the premises known as 4900 Lakeside Avenue from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated September 27, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-125-03 has been POSTPONED; to be rescheduled for February 11, 2004.

* * *

Docket A-130-03.

RE: Appeal of Susan S. Slaughter, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 14101 Woodworth Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Department of Building and Housing, dated October 22, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-130-03 has been POSTPONED; to be rescheduled for January 28, 2004.

Docket A-131-03.

RE: Appeal of Cuyahoga County Commissioners, Owner of the Property located on the premises known as 1215 West 3rd Street from a LIMITATION ON THE PERMIT of the Commissioner of the Department of Building and Housing, dated November 21, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action required on Docket A-131-03 at this time, noting that the docket will remain open for any future appeals.

* * *

Docket A-132-03.

RE: Appeal of Global Builders & Jessie Johnson, Owners of the One & One-half Story Brick Residential Property located on the premises known as 13121 Terminal Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE of the Commissioner of the Department of Building and Housing, dated October 15, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-132-03 has been POSTPONED; to be rescheduled for January 28, 2004.

* * *

Docket A-133-03.

RE: Appeal of Joseph Coreno, Owner of the Property located on the premises known as 4087 Rocky River Drive from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated November 20, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 4087 Rocky River Drive to the Department of Building and Housing for the validity of the six (6) month delay, supervision, and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-138-03.

RE: Appeal of Shiloh Temple House Of God, Owner of the Property located on the premises known as 1178 East 79th Street from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated November 18, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled for January 28, 2004.

* * *

Docket A-142-03.

RE: Appeal of Case Western Reserve University, Owner of the Property located on the premises known as 1800 East 105th Street (South Building) from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated November 25, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the following variances:

To allow evaluating the existing structural elements of the "existing" South Building for 75% of the OBC 2002 seismic load, the new addition to the "South Building shall be evaluated, designed, and detailed as per OBC 2002, and the use of the IEBC 2003 Code for design criteria for the seismic loading only; to not require the change of occupancy; to require seismic loading updating; to accept the professional judgment of the structural engineer regarding the diaphragm capability loading of the plate tile floors, noting that the design of the new building and existing building together will result in lower loading than the existing building is subject to at this time; to grant the variance to the 14 foot floor-to-floor requirement, allowing the top floor to be 14 foot 9 inches, and also to note that the parapets will be either replaced or repaired to comply with OBC requirements. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-143-03.

RE: Appeal of Case Western Reserve University, Owner of the Property located on the premises known as 1800 East 105th Street (Nurses Residence) from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated November 25, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the following variances:

To allow evaluating the existing structural elements of the "existing" South Building for 75% of the OBC 2002 seismic load, the new addition to the "South Building shall be evaluated, designed, and detailed as per OBC 2002, and the use of the IEBC 2003 Code for design criteria for the seismic loading only; to not require the change of occupancy; to require seismic loading updating; to accept the professional judgment of the structural engineer regarding the diaphragm capability loading of the plate tile floors, noting that the design of the new building and existing building together will result in lower loading than the existing building is subject to at this time; to grant the variance to the 14 foot floor-to-floor requirement, allowing the top floor to be 14 foot 9 inches, and also to note that the parapets will be either replaced or repaired to comply with OBC requirements. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

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

A-96-03 — Preferred Builders of Solon.

A-129-03—MRN Limited Partnership.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

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

A-114-03—Clifford Sweeney.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

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

A-118-03—Glen D. Siegler.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

December 17, 2003

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

EUGENE CRANFORD, JR.,
Secretary

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."

THURSDAY, JANUARY 29, 2004

Traffic Paint and Glass Beads, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 371-03, passed by the Council of the City of Cleveland, March 24, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JANUARY 22, 2004 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

Miscellaneous-Sized Steel Plates, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2021-03, passed by the Council of the City of Cleveland, November 10, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, JANUARY 23, 2004 AT 1:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

January 14, 2004 and January 21, 2004

FRIDAY, JANUARY 30, 2004

Contact 2: Repairing and Construction Curb Ramps Including Casting Adjustments and Appurtenances for Street Resurfaced, Reconstructed and/or Rehabilitated, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance No. 2329-03 pending.

THERE WILL BE A **REFUNDABLE** FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, JANUARY 22, 2004 AT 11:00 A.M., CITY HALL, ROOM 518, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

January 14, 2004 and January 21, 2004

WEDNESDAY, FEBRUARY 11, 2004

Kirtland Intake Crib Painting, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2096-2000, passed by the Council of the City of Cleveland, March 26, 2001.

THERE WILL BE A **REFUNDABLE** FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF TWO-HUNDRED DOLLARS (\$200.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, JANUARY 30, 2004 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM - 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Burials for the Indigent Dead, for the Division of Vital Statistics, Department of Public Health, as authorized by Ordinance No. 1020-03, passed by the Council of the City of Cleveland, June 10, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, FEBRUARY 5, 2004 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.

January 21, 2004 and January 28, 2004

THURSDAY, FEBRUARY 12, 2004

Furniture for Various Recreation Centers, by the Division of Architecture, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1264-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, FEBRUARY 4, 2004 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM #8, CLEVELAND, OHIO 44114.

January 21, 2004 and January 28, 2004

FRIDAY, FEBRUARY 13, 2004

Laboratory Services for Water Quality Analysis, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 485-96, passed by the Council of the City of Cleveland, May 6, 1996.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, JANUARY 30, 2004 AT 10:00 A.M., CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

January 21, 2004 and January 28, 2004

WEDNESDAY, FEBRUARY 18, 2004

Ductline Installation/Repair and Streetlighting, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2225-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 5, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. **THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

January 21, 2004 and January 28, 2004

**MBEs/FBEs DELETED FROM OEO'S DATABASE
Fourth Quarter, 2003**

The attached firms, that were previously certified as a MBE and/or FBE have been dropped from the MBE/FBE database. The firms listed were sent at least two (2) letters and elected not to re-certify for various reasons, including going out of business and changes in geographic location.

MBE/FBE	Company
FBE	Abramo Construction, Inc.
FBE	Brenda Kroos Gallery of Cleveland, Inc.
FBE	Cleveland Granite & Marble Co.
FBE	Mobile Medical Service, Inc.
FBE	Ridge Painting Company, Inc.
FBE	U.S. Utility Contractor Co., Inc.
MBE	Creative Improvement and Energy
MBE	Dekalb Construction Co., Inc.
MBE	Jones Technologies Enterprises, Inc.
MBE	Optium Technology, Inc.
MBE	Rittman Inc., d.b.a. Mull Iron
MBE	S & B Floor Covering, Inc.
MBE/FBE	J & H Construction Company
MBE/FBE	New Concepts Consulting, Inc.
MBE/FBE	Roman Floors

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 72-04.

By Council Member Cimperman.

An emergency resolution expressing this Council's support for the ongoing cooperative efforts between Cuyahoga County Metropolitan Housing Authority, the Cleveland Municipal School District, and the residents of the Tremont community in establishing a plan that will enable students who are relocated from Valleyview Estate to complete the 2003-2004 school year in the school that they currently attend.

Whereas, Cuyahoga County Metropolitan Housing Authority ("CMHA") is seeking Federal Hope VI funds for the reconstruction of Valleyview Estate; and

Whereas, if Federal Hope VI funds are not awarded, CMHA has committed to using CMHA capital funds for the reconstruction of Valleyview Estate; and

Whereas, the first group of families to relocate from Valleyview Estate will begin moving in January of 2004; and

Whereas, because the relocation will occur during the school year, parents of school age children are concerned about the educational obstacles their children may encounter during the relocation process; and

Whereas, parents of Tremont School students, members and leaders of the Tremont Community, and staff of CMHA encourage the Cleveland Municipal School District to develop a plan that would enable students to complete the 2003-2004 school year in the school that they currently attend; and

Whereas, a plan of this nature will prevent students from changing schools mid-year; and

Whereas, changing schools mid-year can be a disruptive and difficult experience for students and adversely affect the quality of education for these students; and

Whereas, the Cleveland Municipal School District has expressed a willingness to develop a plan that would enable students who reside at Valleyview Estate to complete the 2003-2004 school year in the school that they are currently attend; and

Whereas, this Council appreciates the Cleveland Municipal School District's cooperation on this issue; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

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

Section 1. That this Council expresses its support for the ongoing cooperative efforts between Cuyahoga County Metropolitan Housing Authority, the Cleveland Municipal School District, and the residents of the Tremont community in establishing a plan that will enable students who are relocated from Valleyview Estate to complete the 2003-2004 school year in the school that they currently attend.

Section 2. That this Council is appreciative of the efforts of the Cuyahoga County Metropolitan Housing

Authority, the Cleveland Municipal School District, and the residents of the Tremont community in working to ensure the uninterrupted education of students who are relocated as part of the Valleyview Estate reconstruction.

Section 3. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the Cuyahoga Metropolitan Housing Authority Board of Commissioners and the Chief Executive Officer of the Cleveland Municipal School District.

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

Adopted January 12, 2004.

Effective January 14, 2004.

Res. No. 73-04.

By Council Member Reed.

An emergency resolution withdrawing objection to a New C2 Liquor Permit at 14510 Kinsman and repealing Resolution No. 843-03, objecting to said permit.

Whereas, this Council objected to a New C2 Liquor Permit to 14510 Kinsman Road by Resolution No. 843-03 adopted by the Council on May 12, 2003; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 New C2 Liquor Permit to 14510, Inc., DBA Kinsman Sunoco, 14510 Kinsman Road, Cleveland, Ohio 44120, Permanent Number 6549670, be and the same is hereby withdrawn and Resolution No. 843-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit 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 January 12, 2004.

Effective January 14, 2004.

Ord. No. 43-04.

By Council Member Cimperman.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program to Cuyahoga Metropolitan Housing Authority for new construction as part of its Valley View Hope VI Revitalization Plan in the Tremont Neighborhood.

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 Nos. 004-17-048, 004-17-049, 004-17-052, 004-17-053 and 004-17-054, as more fully described below, to Cuyahoga Metropolitan Housing Authority for new construction as part of its Valley View Hope VI Revitalization Plan in the Tremont Neighborhood

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

P. P. No. 004-17-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 130 feet of the Northerly one half of Sublot No. 152 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street (formerly University Street) and extending back of equal width 130 feet deep, as appears by said plat, be the same more or less but subject to all legal highways.

P. P. No. 004-17-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northeasterly 130 feet of the Southeasterly half of Sublot No. 152 in William Slade, Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street 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.

P. P. No. 004-17-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Starkweather Avenue, S.W. at its intersection with the Southwesterly line of Thurman Street, S.W. which beginning point is also the Southeastern corner of said Sublot No. 151; thence Northwesterly along the Southwesterly line of Thurman Street, S.W. to the most Northerly corner of said Sublot No. 151; thence Southwesterly along the Northwesterly line of said Sublot No. 151, a distance of 36 feet to the most Northerly corner of a parcel of land conveyed to Christian Karkoff by deed dated January 20, 1875, and recorded in Volume 238, Page 460 of Cuyahoga County Records; thence Southwesterly parallel with the Southwesterly line of Thurman Street, S.W. and along the Easterly line of said parcel of land conveyed to Christian Karkoff to the Northerly line of Starkweather Avenue, S.W.; thence Easterly along the Northerly line of Starkweather Avenue, S.W. to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 004-17-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northerly line of Starkweather Avenue, S.W., at the Southeastern corner of a parcel of land conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, by deed dated June 7, 1923, and recorded in Volume 2806, Page 606 of Cuyahoga County Records; thence Easterly along the Northerly line of said Starkweather Avenue, S.W., to the Southwesterly corner of a parcel of land conveyed to Alex Rusnyk and Julie Rusnyk, by deed dated July 11, 1912, and recorded in Volume 1398, Page 417 of Cuyahoga County Records; thence Northwesterly along the Southwesterly line of said parcel so conveyed to Alex Rusnyk and Julia Rusnyk, about 71.84 feet to the most Westerly corner of said parcel and the Northwesterly line of the property of John Ripich and Elizabeth Ripich, as established by Court Decree in Common Pleas Court Case No. 109020; thence Southwesterly along said Northwesterly line, as decreed to the most Northerly corner of the parcel conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, as aforesaid; thence Southerly along the Easterly line of said parcel so conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, 32.54 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 004-17-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in the William Slade Jr. Subdivision of part of Original Brooklyn Township Lot No. 87, as

shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Northerly line of Starkweather Avenue, S.W., distant Westerly 164.29 feet from the intersection of said Northerly line of Starkweather Avenue, S.W., with the Westerly line of Thurman Street, S.W., said beginning point being at the intersection of the Northerly line of Starkweather Avenue, S.W., with the old fence line separating premises of John and Elizabeth Ripich from premises of Tom Maichrycz and Mary Maichrycz; thence Easterly along the Northwesterly line of premises of John and Elizabeth Ripich, as said line was established by Decree of Common Pleas Court of Case Tom Maichrycz and Mary Maichrycz against John Ripich and Elizabeth Ripich, said case being No. 109020 in the Court of Common Pleas of Cuyahoga County, Ohio 54.05 feet; thence Southerly along a line drawn at right angles with the Northerly line of Starkweather Avenue, S.W., 32.54 feet to the Northerly line of Starkweather Avenue, S.W., thence Westerly along the Northerly line of Starkweather Avenue, S.W. 43.15 feet to the place of beginning, according to the survey of Charles W. Root, Civil Engineer, be the same more or less, but subject to all legal highways.

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 January 16, 2004.

Effective January 16, 2004.

Ord. No. 69-04.

By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing and approving one or more contracts with Schirmer Construction Company for the emergency rehabilitation, renovation, reconstruction, or otherwise improvement of portions of the facility located at 205 St. Clair Avenue for the purpose of constructing a data center, emergency operations command center, and program spaces for the use of the City of Cleveland and, for a short term, the Greater Cleveland Sports Commission; authorizing the purchase or lease by one or more requirement contracts of computer hardware, software, associated peripherals, including maintenance, fixtures, furniture, moving services, equipment, supplies, services, and other necessary items which may be needed to effect the improvement and for the public improvement authorized by Ordinance No. 2144-03, passed January 5, 2004, for the Department of Public Service and the Director of Finance; and to amend the title, and Sections, 1, 2, 3, and 4 of Ordinance No. 1213-02, passed June 10, 2002, relating to the public improvement of renovating space to relocate City Council Archives.

Whereas, the City is hosting the 2004 International Children's Games this August; and

Whereas, within the last month, it was determined that it is necessary to establish a command center beginning in April to ensure the smooth operation and security of the International Children's Games; and

Whereas, to facilitate coordination with the City's emergency command operations, it is beneficial to locate the headquarters and command center for the 2004 International Children's Games within portions of the City facility located at 205 St. Clair Avenue; and

Whereas, on January 5, 2004, this Council passed Ordinance No. 2144-03, which authorized, among other things, the public improvement of the entire facility located at 205 St. Clair Avenue; and

Whereas, because of the urgent nature of ensuring that the pertinent portions of the 205 St. Clair Avenue facility are ready for operation for the International Children's Games, this Council finds that, based on considerations of its experience and expertise in construction of complex data centers with high-technology components, proposed cost, quality, personnel availability, safety, security and project delivery date, Schirmer Construction Company is uniquely situated as the best firm to provide the labor and materials necessary for the rehabilitation, renovation, reconstruction, or otherwise improvement of portions of the facility in order to house a data center, an emergency operations command center, and other program spaces in the short time necessary for the International Children's Games; and

Whereas, this Council finds that the Schirmer Construction Company is specifically capable of performing this work and is also capable of starting and completing the im-

provement within the short time necessary to be operational for the International Children's Games; 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 authorizes and approves one or more contracts with Schirmer Construction Company, in an approximate total sum of \$ 2,750,000, for the public improvement of the emergency rehabilitation, renovation, reconstruction, or otherwise improvement of portions of the facility located at 205 St. Clair Avenue for the purpose of constructing a data center, emergency operations command center, and related program spaces for the use of the City of Cleveland, which improvement includes but is not limited to repairing the roof, and improvements to the 1st floor lobby and the 4th and 5th floors of the facility located at 205 St. Clair Avenue.

Section 2. That the Director of Public Service 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 a period not to exceed two years, of the necessary items of computer hardware, software, and associated peripherals, including installation, maintenance, fixtures, furniture, moving services, equipment, supplies, services, and other necessary items which may be needed to effect the public improvement to 205 St. Clair Avenue authorized by this ordinance and Ordinance No. 2144-03, passed January 5, 2004.

Section 3. That the Director of Public Service 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 a period not to exceed two years for the lease for a period not to exceed five years, of computer hardware, associated peripherals, fixtures, furniture, equipment, supplies, and other necessary items which may be needed to effect the public improvement to 205 St. Clair Avenue authorized by this ordinance and Ordinance No. 2144-03, passed January 5, 2004.

Section 4. That either the Director of Public Service or the Director of Finance is authorized to enter into one or more contracts with computer software developers or vendors to acquire one or more licenses necessary to effect the public improvement to 205 St. Clair Avenue authorized by this ordinance and Ordinance No. 2144-03, passed January 5, 2004, for software, including implementation and training, and for maintenance and technical support services for a period of two years, with three options exercisable by the contracting Director, to renew for additional one-year terms, and cancelable on thirty days' written notice by the relevant Director.

The selection of the computer software developers or vendors for the licenses or services shall be made by the Board of Control on the nomination of the Director of Public Service or the Director of Finance from

lists of qualified computer software developers or vendors available for employment as may be determined after a full and complete canvass by the Director of Public Service or the Director of Finance for the purpose of compiling the lists. 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 Public Service or the Director of Finance, and certified by the Director of Finance.

Section 5. That the purchases, acquisitions, leases, and procurements authorized by this ordinance shall be made by the Commissioner of Purchases and Supplies on a unit basis for the Department of Finance and/or the Department of Public Service. 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 or periods 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 6. That the costs of the contract or contracts shall be payable from Fund Nos. 11 SF 006, 20 SF 191, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 340, 20 SF 351, 20 SF 371, 20 SF 391, and from the fund or funds authorized in Ordinance No. 2144-03, passed January 5, 2004, and may also be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of the initial purchase, acquisition, lease or procurement, which together with all later purchases or procurements, 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 112522)

Section 7. That under Section 108(b) of the Charter, the purchases, acquisitions, or leases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service or the Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, acquisitions, or leases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the title, and Sections 1, 2, 3, and 4 of Ordinance No. 1213-02, passed June 10, 2002, are amended to read as follows:

An emergency ordinance determining the method of making the public improvement of renovating space in the 205 St. Clair Avenue building to relocate City Council Archives; authorizing the Director of Public Service to enter into one or more contracts for the making of the improvement; authorizing the director to employ one or more professional consultants to design the improvement; and authorizing the purchase by one or more contracts of furniture, supplies, equipment and moving services necessary to implement the improvement.

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of renovating space in the 205 St. Clair Avenue building to relocate City Council Archives, for the Department of Public Service, by contract or contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement provided however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. Upon request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That the Director of Public Service is authorized to employ by one or more 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 design the public improvement authorized above.

The selection of the consultants for the services shall be made by the Board of Control upon the nomination of the Director of Public Service from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Service for the purpose of compiling the 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 Public Service, and certified by the Director of Finance.

Section 4. That the Director of Public Service is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furniture, supplies, equipment and moving services necessary to implement the improvement, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Service.

Section 9. That the existing title, and Sections 1, 2, 3, and 4 of Ordinance No. 1213-02, passed June 10, 2002, are repealed.

Section 10. 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 January 12, 2004.

Effective January 13, 2004.

Ord. No. 70-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease with I-X Center Corporation for the erection, maintenance, and operation of an electrical information and advertising sign to be located at Cleveland Hopkins International Airport.

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 enter into a Lease with I-X Center Corporation ("Lessee") for the erection, maintenance, and operation of an electrical information and advertising sign at Cleveland Hopkins International Airport, which will generally be located on approximately 3,539 square feet of land adjacent to and west of Ohio Route 237 and south of Key Corp's hangar building (same as existing sign). The term of the Lease, unless sooner terminated or cancelled, shall expire January 13, 2014 or co-terminus with the City's lease with the I-X Center Corporation for the I-X Center, whichever is later. The Lease shall be subject to cancellation by the Director of Port Control on six months writ-

ten notice should the leased premises be or become needed for aviation purposes or should Lessee's sign be or become in non-compliance with any city, state, or federal regulation.

Section 2. That the sign shall not be fabricated or installed until the design of the sign has been reviewed and approved by the City Planning Commission.

Section 3. That the rent for the leased premises shall be Four Hundred Dollars (\$400.00) per month.

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 January 12, 2004.
Effective January 14, 2004.

to a storage facility at 2580 East 93rd Street.

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 4 of Ordinance No. 2306-03, passed December 15, 2003, is hereby amended to read as follows:

Section 4. That all acquisition costs shall be paid from Fund No. 20 SF 392 or 10 SF 166.

Section 2. That existing Section 4 of Ordinance No. 2306-03, passed December 15, 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 January 12, 2004.
Effective January 14, 2004.

Ord. No. 74-04.
By Council Member Johnson.
An emergency ordinance to amend Section 4 of Ordinance No. 2306-03, passed December 15, 2003, relating

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