

The City Record

Official Publication of the Council of the City of Cleveland



March the Third, 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	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

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

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

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

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – James F. Majer, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – Julius Ciaccia, Jr., Commissioner
Water Pollution Control – 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, Director, Mural Building, 1925 St. Clair Ave.
DIVISIONS: Air Quality – Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

DEPT. OF COMMUNITY DEVELOPMENT – 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, _____, Secretary.

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

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

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

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

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

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

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

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

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

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

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

BOARD OF EXAMINERS OF PLUMBERS – Joseph 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. Trozzi	14A
Judge Joseph J. Zone	13C

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, MARCH 3, 2004

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CITY COUNCIL

MONDAY, MARCH 1, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

MONDAY

2:00 P.M. — **Finance Committee:**
Jackson, Chairman; Sweeney, Vice
Chairman; Brady, Britt, Coats, Gor-
don, O'Malley, Reed, Scott, West-
brook, 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
Monday, March 1, 2004

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

Council Members present: Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Johnson, Jones, Lewis, O'Malley, Pierce Scott, Polensek, Reed, Rybka, Sweeney, Westbrook, White and Zone.

Also present were Director Chandra, Barbara A. Langhenry, Chief Assistant Director of Law; Directors Baker, Konicek, Watson, N. Ronayne, Hudecek, Williams, Routen, Taylor, Johnson, and John Goersmeyer, Assistant to the Press Secretary.

MOTION

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

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.

SECOND READING EMERGENCY ORDINANCE

Ord. No. 115-04.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2004.

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

1. Strike Section 1 in its entirety and insert the following:

"Section 1. That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2004, the following sums be and they are hereby appropriated viz:

The sum of Four Hundred Sixty Seven Million One Hundred Forty Four Thousand Six Hundred Forty Six Dollars (\$467,144,646) from the General Fund;

The sum of Fifty Seven Million Forty Three Thousand Nine Hundred Seventy Two Dollars (\$57,043,972) from the Special Revenue Funds;

The sum of Twenty Two Million Five Hundred Fifty Seven Thousand Five Hundred Thirty Six Dollars (\$22,557,536) from the Internal Service Funds;

The sum of Five Hundred Ninety Two Million Four Hundred Eighty Three Thousand Five Hundred Sixty Five Dollars (\$592,483,565) from the Enterprise Funds;

The sum of Eight Million Eight Hundred Seventy Seven Thousand Eight Hundred Five Dollars (\$8,877,805) from the Trust and Agency Funds;

The sum of Fifty Four Million Four Hundred Nine Thousand Twenty Three Dollars (\$54,409,023) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 115-04-A in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 2004

GENERAL FUND

Legislative Branch		\$ 5,579,211
Municipal Court		\$ 32,235,349
Executive Branch		
Office of the Mayor		2,207,783
Department of Public Safety		268,224,122
Community Relations Board		913,344
Department of Consumer Affairs		315,424
Department of Public Service		34,338,359
Department of Parks, Recreation & Properties		35,269,173
Urban Planning & Development		16,837,878
Department of Public Health		11,785,690
Department of Aging		423,592
Support Functions		37,330,563
Transfers to Other Funds		21,684,158
TOTAL EXECUTIVE BRANCH		\$ 429,330,086
TOTAL GENERAL FUND		\$ 467,144,646
Special Revenue Funds		\$ 57,043,972
Internal Service Funds		22,557,536
Enterprise Funds		592,483,565
Trust and Agency Funds		8,877,805
Debt Service Funds		54,409,023
TOTAL APPROPRIATIONS FOR 2004		\$1,202,516,547

GENERAL GOVERNMENT

LEGISLATIVE BRANCH

Council and Clerk of Council		\$5,579,211
I. Personnel and Related Expenses	\$4,300,309	
II. Other Expenses	1,278,902	
TOTAL LEGISLATIVE BRANCH		\$5,579,211

MUNICIPAL COURT

Municipal Court - Judicial Division		\$19,594,694
I. Personnel and Related Expenses	\$17,289,419	
II. Other Expenses	2,305,275	
Municipal Court - Housing Division		\$2,785,396
I. Personnel and Related Expenses	\$2,651,084	
II. Other Expenses	134,312	
Municipal Court - Clerk's Division		\$9,855,259
I. Personnel and Related Expenses	\$7,928,385	
II. Other Expenses	1,926,874	
TOTAL MUNICIPAL COURT		\$32,235,349

EXECUTIVE BRANCH

Office of the Mayor		\$2,207,783
I. Personnel and Related Expenses	\$1,958,137	
II. Other Expenses	249,646	
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TOTAL EXECUTIVE BRANCH		\$2,207,783
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DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$2,923,448
I. Personnel and Related Expenses	\$2,577,240	
II. Other Expenses	346,208	
Division of Police		\$168,151,166
I. Personnel and Related Expenses	\$157,657,362	
II. Other Expenses	10,493,804	
Division of Fire		\$76,129,643
I. Personnel and Related Expenses	\$73,371,570	
II. Other Expenses	2,758,073	
Division of Emergency Medical Services		\$20,161,824
I. Personnel and Related Expenses	\$18,578,701	
II. Other Expenses	1,583,123	
Division of Dog Pound		\$858,041
I. Personnel and Related Expenses	\$729,953	
II. Other Expenses	128,088	
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$268,224,122
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COMMUNITY RELATIONS BOARD

Community Relations Board		\$913,344
I. Personnel and Related Expenses	\$814,415	
II. Other Expenses	98,929	
TOTAL COMMUNITY RELATIONS BOARD		\$913,344
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DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$315,424
I. Personnel and Related Expenses	\$230,289	
II. Other Expenses	85,135	
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$315,424
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DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$517,582
I. Personnel and Related Expenses	\$503,903	
II. Other Expenses	13,679	
Division of Architecture		\$680,858
I. Personnel and Related Expenses	\$654,268	
II. Other Expenses	26,590	
Division of Waste Collection and Disposal		\$24,769,957
I. Personnel and Related Expenses	\$14,716,028	
II. Other Expenses	10,053,929	

Division of Engineering and Construction		\$4,828,989
I. Personnel and Related Expenses	\$4,532,341	
II. Other Expenses	296,648	
Division of Traffic Engineering		\$3,540,973
I. Personnel and Related Expenses	\$2,585,676	
II. Other Expenses	955,297	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$34,338,359

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$721,314
I. Personnel and Related Expenses	\$566,607	
II. Other Expenses	154,707	
Division of Research, Planning, and Development		\$721,830
I. Personnel and Related Expenses	\$668,125	
II. Other Expenses	53,705	
Division of Recreation		\$11,575,795
I. Personnel and Related Expenses	\$8,435,024	
II. Other Expenses	3,140,771	
Division of Parking Facilities-On Street		\$1,118,106
I. Personnel and Related Expenses	\$1,085,597	
II. Other Expenses	32,509	
Division of Property Management		\$8,138,755
I. Personnel and Related Expenses	\$6,010,740	
II. Other Expenses	2,128,015	
Division of Park Maintenance and Properties		\$12,993,373
I. Personnel and Related Expenses	\$8,746,910	
II. Other Expenses	4,246,463	
TOTAL PARKS, RECREATION, AND PROPERTIES		\$35,269,173

URBAN PLANNING AND DEVELOPMENT

DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$802,383
I. Personnel and Related Expenses	\$697,383	
II. Other Expenses	105,000	
Director's Office		\$239,647
I. Personnel and Related Expenses	\$239,647	
Division of Neighborhood Development		\$862,226
I. Personnel and Related Expenses	\$662,226	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$420,783
I. Personnel and Related Expenses	\$420,783	
TOTAL COMMUNITY DEVELOPMENT		\$2,325,039

DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir. Office		\$2,098,165
I. Personnel and Related Expenses	\$1,700,669	
II. Other Expenses	397,496	
Division of Code Enforcement		\$6,714,495
I. Personnel and Related Expenses	\$6,482,018	
II. Other Expenses	232,477	

Division of Construction Permit		\$1,619,430
I. Personnel and Related Expenses	\$1,597,730	
II. Other Expenses	21,700	

TOTAL BUILDING AND HOUSING		\$10,432,090
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REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$169,605
I. Personnel and Related Expenses	\$162,531	
II. Other Expenses	7,074	

Board of Building Standards and Appeals		\$106,103
I. Personnel and Related Expenses	\$93,265	
II. Other Expenses	12,838	

Board of Zoning Appeals		\$284,870
I. Personnel and Related Expenses	\$270,168	
II. Other Expenses	14,702	

Total Regulatory Boards		\$560,578
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DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,127,280
I. Personnel and Related Expenses	\$1,069,634	
II. Other Expenses	57,646	

Total Department of Economic Development		\$1,127,280
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Office of Equal Opportunity		\$900,962
I. Personnel and Related Expenses	\$865,829	
II. Other Expenses	35,133	

City Planning Commission		\$1,491,929
I. Personnel and Related Expenses	\$1,429,996	
II. Other Expenses	61,933	

TOTAL URBAN PLANNING AND DEVELOPMENT		\$16,837,878
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DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$733,141
I. Personnel and Related Expenses	\$632,544	
II. Other Expenses	100,597	

Division of Correction		\$6,256,540
I. Personnel and Related Expenses	\$4,912,728	
II. Other Expenses	1,343,812	

Division of Health		\$3,241,738
I. Personnel and Related Expenses	\$2,431,284	
II. Other Expenses	810,454	

Division of Environment		\$1,124,740
I. Personnel and Related Expenses	\$902,151	
II. Other Expenses	222,589	

Division of Air Quality		\$429,531
I. Personnel and Related Expenses	\$106,643	
II. Other Expenses	322,888	

TOTAL DEPARTMENT OF PUBLIC HEALTH		\$11,785,690
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DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$423,592
I. Personnel and Related Expenses	\$354,734	
II. Other Expenses	68,858	
TOTAL DEPARTMENT OF AGING		\$423,592

SUPPORT FUNCTIONS
FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		\$705,082
I. Personnel and Related Expenses	\$653,380	
II. Other Expenses	51,702	
Division of Accounts		\$1,394,846
I. Personnel and Related Expenses	\$983,075	
II. Other Expenses	411,771	
Division of Assessments and Licenses		\$1,430,409
I. Personnel and Related Expenses	\$1,258,247	
II. Other Expenses	172,162	
Division of Treasury		\$510,568
I. Personnel and Related Expenses	\$444,773	
II. Other Expenses	65,795	
Division of Purchases and Supplies		\$606,843
I. Personnel and Related Expenses	\$508,401	
II. Other Expenses	98,442	
Bureau of Internal Audit		\$652,917
I. Personnel and Related Expenses	\$395,852	
II. Other Expenses	257,065	
Division of Financial Reporting and Control		\$1,323,843
I. Personnel and Related Expenses	\$1,106,316	
II. Other Expenses	217,527	
Information Technology and Services		\$2,851,013
I. Personnel and Related Expenses	\$1,999,756	
II. Other Expenses	851,257	
Information Tech & Planning		\$221,740
I. Personnel and Related Expenses	\$221,490	
II. Other Expenses	250	
TOTAL DEPARTMENT OF FINANCE		\$9,697,261
Office of Budget & Management-Budget Admin.		\$586,329
I. Personnel and Related Expenses	\$574,450	
II. Other Expenses	11,879	
Department Law		\$7,684,436
I. Personnel and Related Expenses	\$6,099,651	
II. Other Expenses	1,584,785	
TOTAL FINANCE AND LEGAL ADMINISTRATION		\$17,968,026
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,530,612
I. Personnel and Related Expenses	\$1,273,147	
II. Other Expenses	257,465	
Civil Service Commission		\$757,940
I. Personnel and Related Expenses	\$585,423	
II. Other Expenses	172,517	
TOTAL PERSONNEL ADMINISTRATION		\$2,288,552

NONDEPARTMENTAL

County Auditor Deductions		\$1,043,000
II. Other Expenses	\$1,043,000	
Other Administrative		\$16,030,985
II. Other Expenses	\$16,030,985	
TOTAL NONDEPARTMENTAL		\$17,073,985
TOTAL SUPPORT FUNCTIONS		\$37,330,563
Transfers To Other Funds		\$21,684,158
II. Other Expenses	\$21,684,158	
TOTAL GENERAL FUND		\$467,144,646

SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$32,760,472
I. Capital	\$12,760,472	
II. Debt Service	20,000,000	
Street Construction, Maintenance & Repair Fund		\$22,283,500
I. Personnel and Related Expenses	\$15,151,580	
II. Other Expenses	7,131,920	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS		\$57,043,972

INTERNAL SERVICE FUND

Information Technology and Services-Telephone Exchange		\$5,838,110
I. Personnel and Related Expenses	\$1,015,791	
II. Other Expenses	4,822,319	
Division of Motor Vehicle Maintenance		\$14,179,193
I. Personnel and Related Expenses	\$6,116,817	
II. Other Expenses	8,062,376	
Division of Printing and Reproduction		\$1,609,360
I. Personnel and Related Expenses	\$757,753	
II. Other Expenses	851,607	
City Storeroom and Central Warehouse		\$930,873
I. Personnel and Related Expenses	\$83,845	
II. Other Expenses	847,028	
TOTAL INTERNAL SERVICE FUNDS		\$22,557,536

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,663,996
I. Personnel and Related Expenses	\$1,179,560	
II. Other Expenses	484,436	
Radio		\$2,359,923
I. Personnel and Related Expenses	\$153,892	
II. Other Expenses	2,206,031	
Division of Fiscal Control		\$2,936,558
I. Personnel and Related Expenses	\$2,668,868	
II. Other Expenses	267,690	
Division of Water		\$241,542,714
I. Personnel and Related Expenses	\$80,137,459	
II. Other Expenses	161,405,255	

Division of Water Pollution Control		\$24,686,971
I. Personnel and Related Expenses	\$9,148,262	
II. Other Expenses	15,538,709	
Division of Cleveland Public Power		\$149,799,768
I. Personnel and Related Expenses	\$27,357,201	
II. Other Expenses	122,442,567	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$422,989,930
DEPARTMENT OF PORT CONTROL		
Airports - Operations		\$138,464,634
I. Personnel and Related Expenses	\$23,407,956	
II. Other Expenses	115,056,678	
TOTAL DEPARTMENT OF PORT CONTROL		\$138,464,634
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Division of Cemeteries		\$1,969,710
I. Personnel and Related Expenses	\$1,597,757	
II. Other Expenses	371,953	
Golf Course Fund		\$2,398,416
I. Personnel and Related Expenses	\$1,306,513	
II. Other Expenses	1,091,903	
Division of Parking Facilities-Off Street Parking		\$8,578,487
I. Personnel and Related Expenses	\$1,271,999	
II. Other Expenses	7,306,488	
Division of Convention Center		\$6,400,000
I. Personnel and Related Expenses	\$3,497,704	
II. Other Expenses	2,902,296	
Division of Convention Center & Stadium-West Side Market		1,104,611
I. Personnel and Related Expenses	\$452,195	
II. Other Expenses	652,416	
Division of Convention Center & Stadium-Stadium		\$10,500,000
II. Other Expenses	\$10,500,000	
Division of Property Management - East Side Market		\$77,777
I. Personnel and Related Expenses	\$54,676	
II. Other Expenses	23,101	
TOTAL PARKS, RECREATION, & PROPERTIES		\$31,029,001
TOTAL ENTERPRISE FUNDS		\$592,483,565
AGENCY FUND		
Central Collection Agency		\$8,877,805
I. Personnel and Related Expenses	\$5,954,460	
II. Other Expenses	2,923,345	
TOTAL AGENCY FUND		\$8,877,805
DEBT SERVICE FUND		
Sinking Fund Commission		\$54,409,023
I. Personnel and Related Expenses	\$150,573	
II. Other Expenses	403,824	
III. Debt Service	53,854,626	
TOTAL DEBT SERVICE FUNDS		\$54,409,023

Amendment agreed to.

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 66-04.

By Council Members Gordon and Jackson (by departmental request). An emergency ordinance authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the CDBG Year 30 under the Title I of the Housing and Community Development Act of

1974, for the 2004 Federal HOME Grant Program, Emergency Shelter Program, and the Housing Opportunities for Persons with AIDS Program.

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

1. In Section 1, line 3, strike "\$29,532,000" and insert "\$29,027,000";

in line 4, strike "\$7,073,000" and insert "\$7,059,000"; in line 5, strike "\$1,067,000" and insert "\$1,080,000"; and in line 6, strike "\$866,000" and insert "\$854,000".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

APPROPRIATION FOR THE YEAR 2004 (SECOND READING EMERGENCY ORDINANCE) ORDINANCE NO. 115-04

Ord. No. 115-04.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2004.

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 to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2004, the following sums be and they are hereby appropriated viz:

The sum of Four Hundred Sixty Seven Million One Hundred Forty Four Thousand Six Hundred Forty Six Dollars (\$467,144,646) from the General Fund;

The sum of Fifty Seven Million Forty Three Thousand Nine Hundred Seventy Two Dollars (\$57,043,972) from the Special Revenue Funds;

The sum of Twenty Two Million Five Hundred Fifty Seven Thousand Five Hundred Thirty Six Dollars (\$22,557,536) from the Internal Service Funds;

The sum of Five Hundred Ninety Two Million Four Hundred Eighty Three Thousand Five Hundred Sixty Five Dollars (\$592,483,565) from the Enterprise Funds;

The sum of Eight Million Eight Hundred Seventy Seven Thousand Eight Hundred Five Dollars (\$8,877,805) from the Trust and Agency Funds;

The sum of Fifty Four Million Four Hundred Nine Thousand Twenty Three Dollars (\$54,409,023) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 115-04-A in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 2004

GENERAL FUND

Legislative Branch	\$ 5,579,211
Municipal Court	\$ 32,235,349
Executive Branch	
Office of the Mayor	2,207,783
Department of Public Safety	268,224,122
Community Relations Board	913,344
Department of Consumer Affairs	315,424
Department of Public Service	34,338,359
Department of Parks, Recreation & Properties	35,269,173
Urban Planning & Development	16,837,878
Department of Public Health	11,785,690
Department of Aging	423,592
Support Functions	37,330,563
Transfers to Other Funds	21,684,158
TOTAL EXECUTIVE BRANCH	\$ 429,330,086
TOTAL GENERAL FUND	\$ 467,144,646
Special Revenue Funds	\$ 57,043,972
Internal Service Funds	22,557,536
Enterprise Funds	592,483,565
Trust and Agency Funds	8,877,805
Debt Service Funds	54,409,023
TOTAL APPROPRIATIONS FOR 2004	\$1,202,516,547

GENERAL GOVERNMENT

LEGISLATIVE BRANCH

Council and Clerk of Council		\$5,579,211
I. Personnel and Related Expenses	\$4,300,309	
II. Other Expenses	1,278,902	
TOTAL LEGISLATIVE BRANCH		\$5,579,211

MUNICIPAL COURT

Municipal Court - Judicial Division		\$19,594,694
I. Personnel and Related Expenses	\$17,289,419	
II. Other Expenses	2,305,275	
Municipal Court - Housing Division		\$2,785,396
I. Personnel and Related Expenses	\$2,651,084	
II. Other Expenses	134,312	
Municipal Court - Clerk's Division		\$9,855,259
I. Personnel and Related Expenses	\$7,928,385	
II. Other Expenses	1,926,874	
TOTAL MUNICIPAL COURT		\$32,235,349

EXECUTIVE BRANCH

Office of the Mayor		\$2,207,783
I. Personnel and Related Expenses	\$1,958,137	
II. Other Expenses	249,646	
TOTAL EXECUTIVE BRANCH		\$2,207,783

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$2,923,448
I. Personnel and Related Expenses	\$2,577,240	
II. Other Expenses	346,208	
Division of Police		\$168,151,166
I. Personnel and Related Expenses	\$157,657,362	
II. Other Expenses	10,493,804	
Division of Fire		\$76,129,643
I. Personnel and Related Expenses	\$73,371,570	
II. Other Expenses	2,758,073	
Division of Emergency Medical Services		\$20,161,824
I. Personnel and Related Expenses	\$18,578,701	
II. Other Expenses	1,583,123	
Division of Dog Pound		\$858,041
I. Personnel and Related Expenses	\$729,953	
II. Other Expenses	128,088	
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$268,224,122

COMMUNITY RELATIONS BOARD

Community Relations Board		\$913,344
I. Personnel and Related Expenses	\$814,415	
II. Other Expenses	98,929	
TOTAL COMMUNITY RELATIONS BOARD		\$913,344

DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$315,424
I. Personnel and Related Expenses	\$230,289	
II. Other Expenses	85,135	
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$315,424

DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$517,582
I. Personnel and Related Expenses	\$503,903	
II. Other Expenses	13,679	
Division of Architecture		\$680,858
I. Personnel and Related Expenses	\$654,268	
II. Other Expenses	26,590	
Division of Waste Collection and Disposal		\$24,769,957
I. Personnel and Related Expenses	\$14,716,028	
II. Other Expenses	10,053,929	
Division of Engineering and Construction		\$4,828,989
I. Personnel and Related Expenses	\$4,532,341	
II. Other Expenses	296,648	
Division of Traffic Engineering		\$3,540,973
I. Personnel and Related Expenses	\$2,585,676	
II. Other Expenses	955,297	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$34,338,359

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$721,314
I. Personnel and Related Expenses	\$566,607	
II. Other Expenses	154,707	
Division of Research, Planning, and Development		\$721,830
I. Personnel and Related Expenses	\$668,125	
II. Other Expenses	53,705	
Division of Recreation		\$11,575,795
I. Personnel and Related Expenses	\$8,435,024	
II. Other Expenses	3,140,771	
Division of Parking Facilities-On Street		\$1,118,106
I. Personnel and Related Expenses	\$1,085,597	
II. Other Expenses	32,509	
Division of Property Management		\$8,138,755
I. Personnel and Related Expenses	\$6,010,740	
II. Other Expenses	2,128,015	
Division of Park Maintenance and Properties		\$12,993,373
I. Personnel and Related Expenses	\$8,746,910	
II. Other Expenses	4,246,463	
TOTAL PARKS, RECREATION, AND PROPERTIES		\$35,269,173

URBAN PLANNING AND DEVELOPMENT

DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$802,383
I. Personnel and Related Expenses	\$697,383	
II. Other Expenses	105,000	
Director's Office		\$239,647
I. Personnel and Related Expenses	\$239,647	
Division of Neighborhood Development		\$862,226
I. Personnel and Related Expenses	\$662,226	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$420,783
I. Personnel and Related Expenses	\$420,783	
TOTAL COMMUNITY DEVELOPMENT		<u>\$2,325,039</u>

DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir. Office		\$2,098,165
I. Personnel and Related Expenses	\$1,700,669	
II. Other Expenses	397,496	
Division of Code Enforcement		\$6,714,495
I. Personnel and Related Expenses	\$6,482,018	
II. Other Expenses	232,477	
Division of Construction Permit		\$1,619,430
I. Personnel and Related Expenses	\$1,597,730	
II. Other Expenses	21,700	
TOTAL BUILDING AND HOUSING		<u>\$10,432,090</u>

REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$169,605
I. Personnel and Related Expenses	\$162,531	
II. Other Expenses	7,074	
Board of Building Standards and Appeals		\$106,103
I. Personnel and Related Expenses	\$93,265	
II. Other Expenses	12,838	
Board of Zoning Appeals		\$284,870
I. Personnel and Related Expenses	\$270,168	
II. Other Expenses	14,702	
Total Regulatory Boards		<u>\$560,578</u>

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,127,280
I. Personnel and Related Expenses	\$1,069,634	
II. Other Expenses	57,646	
Total Department of Economic Development		<u>\$1,127,280</u>
Office of Equal Opportunity		\$900,962
I. Personnel and Related Expenses	\$865,829	
II. Other Expenses	35,133	

City Planning Commission		\$1,491,929
I. Personnel and Related Expenses	\$1,429,996	
II. Other Expenses	61,933	

TOTAL URBAN PLANNING AND DEVELOPMENT		\$16,837,878
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DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$733,141
I. Personnel and Related Expenses	\$632,544	
II. Other Expenses	100,597	

Division of Correction		\$6,256,540
I. Personnel and Related Expenses	\$4,912,728	
II. Other Expenses	1,343,812	

Division of Health		\$3,241,738
I. Personnel and Related Expenses	\$2,431,284	
II. Other Expenses	810,454	

Division of Environment		\$1,124,740
I. Personnel and Related Expenses	\$902,151	
II. Other Expenses	222,589	

Division of Air Quality		\$429,531
I. Personnel and Related Expenses	\$106,643	
II. Other Expenses	322,888	

TOTAL DEPARTMENT OF PUBLIC HEALTH		\$11,785,690
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DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$423,592
I. Personnel and Related Expenses	\$354,734	
II. Other Expenses	68,858	

TOTAL DEPARTMENT OF AGING		\$423,592
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**SUPPORT FUNCTIONS
FINANCIAL AND LEGAL ADMINISTRATION**

DEPARTMENT OF FINANCE

Finance Administration		\$705,082
I. Personnel and Related Expenses	\$653,380	
II. Other Expenses	51,702	

Division of Accounts		\$1,394,846
I. Personnel and Related Expenses	\$983,075	
II. Other Expenses	411,771	

Division of Assessments and Licenses		\$1,430,409
I. Personnel and Related Expenses	\$1,258,247	
II. Other Expenses	172,162	

Division of Treasury		\$510,568
I. Personnel and Related Expenses	\$444,773	
II. Other Expenses	65,795	

Division of Purchases and Supplies		\$606,843
I. Personnel and Related Expenses	\$508,401	
II. Other Expenses	98,442	

Bureau of Internal Audit		\$652,917
I. Personnel and Related Expenses	\$395,852	
II. Other Expenses	257,065	

Division of Financial Reporting and Control		\$1,323,843
I. Personnel and Related Expenses	\$1,106,316	
II. Other Expenses	217,527	

Information Technology and Services		\$2,851,013
I. Personnel and Related Expenses	\$1,999,756	
II. Other Expenses	851,257	
Information Tech & Planning		\$221,740
I. Personnel and Related Expenses	\$221,490	
II. Other Expenses	250	
TOTAL DEPARTMENT OF FINANCE		\$9,697,261
Office of Budget & Management-Budget Admin.		\$586,329
I. Personnel and Related Expenses	\$574,450	
II. Other Expenses	11,879	
Department Law		\$7,684,436
I. Personnel and Related Expenses	\$6,099,651	
II. Other Expenses	1,584,785	
TOTAL FINANCE AND LEGAL ADMINISTRATION		\$17,968,026
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,530,612
I. Personnel and Related Expenses	\$1,273,147	
II. Other Expenses	257,465	
Civil Service Commission		\$757,940
I. Personnel and Related Expenses	\$585,423	
II. Other Expenses	172,517	
TOTAL PERSONNEL ADMINISTRATION		\$2,288,552
NONDEPARTMENTAL		
County Auditor Deductions		\$1,043,000
II. Other Expenses	\$1,043,000	
Other Administrative		\$16,030,985
II. Other Expenses	\$16,030,985	
TOTAL NONDEPARTMENTAL		\$17,073,985
TOTAL SUPPORT FUNCTIONS		\$37,330,563
Transfers To Other Funds		\$21,684,158
II. Other Expenses	\$21,684,158	
TOTAL GENERAL FUND		\$467,144,646
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$32,760,472
I. Capital	\$12,760,472	
II. Debt Service	20,000,000	
Street Construction, Maintenance & Repair Fund		\$22,283,500
I. Personnel and Related Expenses	\$15,151,580	
II. Other Expenses	7,131,920	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS		\$57,043,972

INTERNAL SERVICE FUND

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I. Personnel and Related Expenses	\$6,116,817	
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I. Personnel and Related Expenses	\$757,753	
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City Storeroom and Central Warehouse		\$930,873
I. Personnel and Related Expenses	\$83,845	
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TOTAL INTERNAL SERVICE FUNDS		<u><u>\$22,557,536</u></u>

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

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II. Other Expenses	484,436	
Radio		\$2,359,923
I. Personnel and Related Expenses	\$153,892	
II. Other Expenses	2,206,031	
Division of Fiscal Control		\$2,936,558
I. Personnel and Related Expenses	\$2,668,868	
II. Other Expenses	267,690	
Division of Water		\$241,542,714
I. Personnel and Related Expenses	\$80,137,459	
II. Other Expenses	161,405,255	
Division of Water Pollution Control		\$24,686,971
I. Personnel and Related Expenses	\$9,148,262	
II. Other Expenses	15,538,709	
Division of Cleveland Public Power		\$149,799,768
I. Personnel and Related Expenses	\$27,357,201	
II. Other Expenses	122,442,567	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		<u><u>\$422,989,930</u></u>

DEPARTMENT OF PORT CONTROL

Airports - Operations		\$138,464,634
I. Personnel and Related Expenses	\$23,407,956	
II. Other Expenses	115,056,678	
TOTAL DEPARTMENT OF PORT CONTROL		<u><u>\$138,464,634</u></u>

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$1,969,710
I. Personnel and Related Expenses	\$1,597,757	
II. Other Expenses	371,953	
Golf Course Fund		\$2,398,416
I. Personnel and Related Expenses	\$1,306,513	
II. Other Expenses	1,091,903	

Division of Parking Facilities-Off Street Parking		\$8,578,487
I. Personnel and Related Expenses	\$1,271,999	
II. Other Expenses	7,306,488	
Division of Convention Center		\$6,400,000
I. Personnel and Related Expenses	\$3,497,704	
II. Other Expenses	2,902,296	
Division of Convention Center & Stadium-West Side Market		1,104,611
I. Personnel and Related Expenses	\$452,195	
II. Other Expenses	652,416	
Division of Convention Center & Stadium-Stadium		\$10,500,000
II. Other Expenses	\$10,500,000	
Division of Property Management - East Side Market		\$77,777
I. Personnel and Related Expenses	\$54,676	
II. Other Expenses	23,101	
TOTAL PARKS, RECREATION, & PROPERTIES		\$31,029,001
TOTAL ENTERPRISE FUNDS		\$592,483,565
AGENCY FUND		
Central Collection Agency		\$8,877,805
I. Personnel and Related Expenses	\$5,954,460	
II. Other Expenses	2,923,345	
TOTAL AGENCY FUND		\$8,877,805
DEBT SERVICE FUND		
Sinking Fund Commission		\$54,409,023
I. Personnel and Related Expenses	\$150,573	
II. Other Expenses	403,824	
III. Debt Service	53,854,626	
TOTAL DEBT SERVICE FUNDS		\$54,409,023

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 115-04-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 2003 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2004 or prior years. The Mayor's Estimate File No. 115-04-A as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2004 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

Section 3. That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

**Schedule of Changes.
(Published pursuant to Section 39 of the Charter.)**

The following changes are made to provide for reductions/increases in various departments of City Government; to correct the total of the 2004 Appropriation Ordinance No. 115-04.

Changes to Ordinance 115-04		GENERAL FUND	
		Amendments	
Council and Clerk of Council			
I Personnel and Related Expenses		\$	(22,262)
		\$	(22,262)
Municipal Court - Judicial Division			
I Personnel and Related Expenses		\$	104,433
II Other Expenses		\$	(194,619)
		\$	(90,186)
Municipal Court - Housing Division			
I Personnel and Related Expenses		\$	(13,085)
		\$	(13,085)
Municipal Court - Clerk's Division			
I Personnel and Related Expenses		\$	(65,097)
II Other Expenses		\$	(70)
		\$	(65,167)
Office of the Mayor			
I Personnel and Related Expenses		\$	(7,132)
		\$	(7,132)
Public Safety Administration			
I Personnel and Related Expenses		\$	(22,017)
		\$	(22,017)
Division of Police			
I Personnel and Related Expenses		\$	(498,169)
		\$	(498,169)
Division of Fire			
I Personnel and Related Expenses		\$	(60,364)
		\$	(60,364)
Division of Emergency Medical Services			
I Personnel and Related Expenses		\$	(106,202)
		\$	(106,202)
Division of Dog Pound			
I Personnel and Related Expenses		\$	(4,683)
		\$	(4,683)
Community Relations Board			
I Personnel and Related Expenses		\$	(4,783)
		\$	(4,783)
Consumer Affairs			
I Personnel and Related Expenses		\$	(408)
		\$	(408)
Public Service Administration			
I Personnel and Related Expenses		\$	(2,305)
		\$	(2,305)
Division of Architecture			
I Personnel and Related Expenses		\$	(3,549)
		\$	(3,549)
Division of Waste Collection and Disposal			
I Personnel and Related Expenses		\$	(277,101)
		\$	(277,101)

Division of Engineering and Construction		
I Personnel and Related Expenses	\$	(26,359)
	\$	(26,359)
Division of Traffic Engineering		
I Personnel and Related Expenses	\$	(14,942)
	\$	(14,942)
Parks, Recreation, and Properties Administration		
I Personnel and Related Expenses	\$	(1,619)
	\$	(1,619)
Division of Research, Planning, and Development		
I Personnel and Related Expenses	\$	(3,293)
II Other Expenses	\$	2,900
	\$	(393)
Division of Recreation		
I Personnel and Related Expenses	\$	143,818
II Other Expenses	\$	74,830
	\$	218,648
Division of Parking Facilities-On Street		
I Personnel and Related Expenses	\$	124,130
	\$	124,130
Division of Property Management		
I Personnel and Related Expenses	\$	88,424
	\$	88,424
Division of Park Maintenance and Properties		
I Personnel and Related Expenses	\$	24,719
II Other Expenses	\$	1,267,658
	\$	1,292,377
Division of Administrative Services		
I Personnel and Related Expenses	\$	(111,248)
II Other Expenses	\$	(10,000)
	\$	(121,248)
Director's Office		
I Personnel and Related Expenses	\$	76,674
	\$	76,674
Division of Neighborhood Development		
I Personnel and Related Expenses	\$	(4,035)
	\$	(4,035)
Division of Neighborhood Services		
I Personnel and Related Expenses	\$	(1,124)
	\$	(1,124)
Building and Housing Dir Office		
I Personnel and Related Expenses	\$	450
	\$	450
Division of Code Enforcement		
I Personnel and Related Expenses	\$	(45,782)
II Other Expenses	\$	17,320
	\$	(28,462)
Division of Construction Permit		
I Personnel and Related Expenses	\$	450
	\$	450
Landmarks Commission		
I Personnel and Related Expenses	\$	(339)
	\$	(339)

Board of Building Standards and Appeals		
I Personnel and Related Expenses	\$	(412)
	\$	(412)
Board of Zoning Appeals		
I Personnel and Related Expenses	\$	(668)
	\$	(668)
Economic Development		
I Personnel and Related Expenses	\$	(15,040)
II Other Expenses	\$	10,000
	\$	(5,040)
Office of Equal Opportunity		
I Personnel and Related Expenses	\$	(5,970)
	\$	(5,970)
City Planning Commission		
I Personnel and Related Expenses	\$	(36,804)
	\$	(36,804)
Public Health Administration		
I Personnel and Related Expenses	\$	(2,888)
	\$	(2,888)
Division of Correction		
I Personnel and Related Expenses	\$	(34,736)
II Other Expenses	\$	60,479
	\$	25,743
Division of Health		
I Personnel and Related Expenses	\$	(12,096)
	\$	(12,096)
Division of Environment		
I Personnel and Related Expenses	\$	(11,040)
II Other Expenses	\$	70,000
	\$	58,960
Division of Air Quality		
I Personnel and Related Expenses	\$	(439)
	\$	(439)
Department of Aging		
I Personnel and Related Expenses	\$	(1,271)
	\$	(1,271)
Finance Administration		
I Personnel and Related Expenses	\$	(1,766)
	\$	(1,766)
Division of Accounts		
I Personnel and Related Expenses	\$	13,204
	\$	13,204
Division of Assessments and Licenses		
I Personnel and Related Expenses	\$	(7,640)
	\$	(7,640)
Division of Treasury		
I Personnel and Related Expenses	\$	(753)
	\$	(753)
Division of Purchases and Supplies		
I Personnel and Related Expenses	\$	(2,559)
	\$	(2,559)
Bureau of Internal Audit		
I Personnel and Related Expenses	\$	(52,781)
	\$	(52,781)

Division of Financial Reporting and Control		
I Personnel and Related Expenses	\$	47,126
	\$	47,126
Information Technology & Services		
I Personnel and Related Expenses	\$	(10,670)
	\$	(10,670)
Information Tech & Planning		
I Personnel and Related Expenses	\$	(318)
	\$	(318)
Office of Budget & Management-Budget Admin.		
I Personnel and Related Expenses	\$	(1,851)
	\$	(1,851)
Department Law		
I Personnel and Related Expenses	\$	(23,564)
	\$	(23,564)
Office of Personnel		
I Personnel and Related Expenses	\$	(14,965)
II Other Expenses	\$	9,000
	\$	(5,965)
Civil Service Commission		
I Personnel and Related Expenses	\$	(2,572)
	\$	(2,572)
OTHER ADMINISTRATIVE		
II Other Expenses	\$	142,000
	\$	142,000
TRANSFERS TO OTHER FUNDS		
II Other Expenses	\$	271,649
	\$	271,649
TOTAL GENERAL FUND	\$	807,874
SPECIAL REVENUE FUND		
Street Construction, Maintenance & Repair Fund		
I Personnel and Related Expenses	\$	153,666
	\$	153,666
TOTAL SPECIAL REVENUE FUND	\$	153,666
INTERNAL SERVICE FUND		
Information Technology & Services-Telephone Exchange		
I Personnel and Related Expenses	\$	(5,722)
	\$	(5,722)
Division of Motor Vehicle Maintenance		
I Personnel and Related Expenses	\$	(110,701)
II Other Expenses	\$	75,000
	\$	(35,701)
Division of Printing and Reproduction		
I Personnel and Related Expenses	\$	(4,493)
	\$	(4,493)
City Storeroom and Central Warehouse		
I Personnel and Related Expenses	\$	(825)
	\$	(825)
TOTAL INTERNAL SERVICE FUNDS	\$	(46,741)

ENTERPRISE FUNDS

Utilities Administration		
I Personnel and Related Expenses	\$	70,080
II Other Expenses	\$	40,000
	\$	110,080
Radio		
I Personnel and Related Expenses	\$	(878)
	\$	(878)
Division of Fiscal Control		
I Personnel and Related Expenses	\$	(13,590)
	\$	(13,590)
Division of Water		
I Personnel and Related Expenses	\$	(457,286)
	\$	(457,286)
Division of Water Pollution Control		
I Personnel and Related Expenses	\$	(51,847)
	\$	(51,847)
Division of Cleveland Public Power		
I Personnel and Related Expenses	\$	(132,332)
	\$	(132,332)
Division of Cemeteries		
I Personnel and Related Expenses	\$	(16,262)
II Other Expenses	\$	80,000
	\$	63,738
Golf Course Fund		
I Personnel and Related Expenses	\$	101,149
II Other Expenses	\$	(249,400)
	\$	(148,251)
Division of Parking Facilities-Off Street Parking		
I Personnel and Related Expenses	\$	(6,776)
	\$	(6,776)
Division of Convention Center		
I Personnel and Related Expenses	\$	704,909
II Other Expenses	\$	(220,000)
	\$	484,909
Division of Convention Center & Stadium-West Side Market		
II Other Expenses	\$	132,614
	\$	132,614
Division of Property Management - East Side Market		
I Personnel and Related Expenses	\$	(159)
	\$	(159)
TOTAL ENTERPRISE FUNDS	\$	(19,778)

AGENCY FUND

Central Collection Agency		
I Personnel and Related Expenses	\$	(32,555)
	\$	(32,555)
TOTAL AGENCY FUND	\$	(32,555)

DEBT SERVICE FUND

Sinking Fund Commission		
I Personnel and Related Expenses	\$	(328)
	\$	(328)
TOTAL DEBT SERVICE FUNDS	\$	(328)
TOTAL ALL FUNDS	\$	862,138

Ordinance No. 115-04 is herein published following the Public Hearings and before the third reading and final passage and reflects the necessary amendments required by this schedule.

MOTION

By Council Member Gordon seconded by Council Member Sweeney and unanimously carried that the absence of Council Members Dona Brady and Patricia J. Britt, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 11:40 a.m. to meet on Monday, March 8, 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

February 25, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 25, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Absent: None.

Others: Deborah Midgett, Acting Commissioner, Purchases and Supplies.

Donna Felder, Director, Office of Equal Opportunity.

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

Resolution No. 67-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Xerox Corporation, except for such terms as are not acceptable to the Director of Law, for an estimated quantity of maintenance of group V copiers, Item No. 1 for the various divisions of City government, Department of Finance, for the period of one (1) year, beginning with the date of execution of a contract, received on the 21st day of January 2004, pursuant to the authority of Ordinance No. 886-03, passed on June 2, 2003, which on the basis of the estimated quantity would amount to Forty Eight Thousand Three Hundred Forty Seven and 20/100 Dollars (\$48,347.20) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of

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

Requisition No. 150901 which shall be certified against such contract in the sum of Two Thousand Four Hundred Seventeen and no/100 Dollars (\$2,417.00).

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 68-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Carnegie Textile Co., for an estimated quantity of paper & cloth wipers, Item No. 1 (.4975/lb.), for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on January 8, 2004, pursuant to the authority of Ordinance No. 2022-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to Twenty Thousand One Hundred Forty-Eight and 75/100 Dollars (\$20,148.75) (0%, 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition Nos. 142811 & 130211 which shall be certified against such contract in the sum of Twenty Four Thousand and 00/100 Dollars (\$24,000.00).

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 69-04.

By Director Baker.

Resolved, by Board of Control of the City of Cleveland that the bid of CCP Industries, Inc., for an estimated quantity of paper & cloth wipers, Item No. 2 (\$23.85/cs.), for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on January 8,

2004 pursuant to the authority of Ordinance No. 2022-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to Ten Thousand Seven Hundred Thirty-Two and 50/100 Dollars (\$10,732.50) (Net, 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142812 & 143193 which shall be certified against such contract in the sum of Five Thousand Five Hundred Ninety-Six and 26/100 Dollars (\$5,596.26).

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 70-04.

By Director Baker.

Resolved, by Board of Control of the City of Cleveland that the bid of Zoresco Equipment Ohio for an estimated quantity of various accessories and equipment for upfitting vehicles/equipment, for various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on January 21, 2004, pursuant to the authority of Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003, which on the basis of the estimated quantity would amount to Three Hundred Forty-Three Thousand Twenty-One and 00/100 Dollars (\$343,021.00) (Net-10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance, is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130245 which shall be certified against such contract in the sum of One Hundred Thirty-Five Thousand and 00/100 Dollars (\$135,000.00).

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 71-04.

By Director Konicek.

Whereas, pursuant to the authority of Ordinance No. 1077-02, passed by the Council of the City of Cleveland on June 17, 2002, the City, through its Director of Public Utilities entered into City Contract No. 61389 with Mincom, Inc., to provide system administration, support and end user training for six months for the Division of Water, Department of Public Utilities; and

Whereas, the City has determined it is necessary to extend the term of said City Contract No. 61389 to the earlier of either the exhaustion of the funds certified to City Contract No. 61389 or March 2, 2004; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is hereby authorized to enter into a first amendment to City Contract No. 61389 between the City of Cleveland and Mincom, Inc. to extend the term of said City Contract No. 61389 to the earlier of either the exhaustion of the funds certified to Contract No. 61389 or March 2, 2004.

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 72-04.

By Director Konicek.

Be it resolved by Board of Control of the City of Cleveland that the bid of AMCO Water Metering Systems Inc. for an estimated quantity of large water meters (Items 5-9, 12-14, 16) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 19th day of December, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Two Hundred Eighty Three Thousand Nine Hundred Dollars and 00/100 Cents (\$283,900.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142818

which shall be certified against such contract in the sum of Seventy Thousand Dollars and 00/100 Cents (\$70,000.00).

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 73-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Badger Meter, Inc. for an estimated quantity of large water meters (Items 1-4, 10, 11, 15) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 19th day of December, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Three Hundred Thirty Eight Thousand Five Hundred Eighty Dollars and 46/100 Cents (\$338,580.46) (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142839

which shall be certified against such contract in the sum of Eighty Thousand Dollars and 00/100 Cents (\$80,000.00).

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 74-04.

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 1130-01, passed by the Council of the City of Cleveland on July 18, 2001, and Board of Control Resolution No. 525-01, adopted August 8, 2001, the City through its Director of Port Control entered into City Contract No. 58289 with Science Applications International Corporation ("Consultant") to provide professional environmental services for design, environmental studies, environmental remediation and regulatory compliance for the Expansion Program at Cleveland Hopkins International Airport; and

Whereas, the City has determined it necessary to revise the scope of work to include additional comprehensive environmental services necessary and required for interim measures at Cleveland Hopkins International Airport, including National Pollutant Discharge Elimination System ("NPDES") permit-required activities; and to extend the term of City Contract No. 58289 through December 31, 2005; and

Whereas, the Consultant has proposed in accordance with its correspondence, dated October 23, 2003, to perform professional environmental and technical support services in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00); now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a First Modification to City Contract No. 58289 between the City of Cleveland and Science Applications International Corporation ("SAIC") for additional comprehensive environmental services necessary and required for interim measures at Cleveland Hopkins International Airport, including National Pollutant Discharge Elimination System ("NPDES") permit-required activities, as set forth in Consultant's correspondence, dated October 23, 2003; and to extend the term of City Contract No. 58289 through December 31, 2005. The amount to be paid for all services shall be increased by an amount not to exceed Three Hundred Six Thousand Four Hundred Eight Dollars (\$306,408.00), including a \$6,408.00 contingency, from Two Million Four Hundred Sixteen Thousand Two Hundred Twenty-Two Dollars (\$2,416,222.00) to a total contract amount not to exceed Two Million Seven Hundred Twenty-Two Thousand Six Hundred Thirty Dollars (\$2,722,630.00).

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 75-04.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dicar Corporation, for bunker gear suits, including proximity pants, proximity coats, hoods, helmets, suspenders and boots for various divisions of the Department of Port Control, for a period of one year beginning with the date of execution of a contract, received on the 19th day of December, 2003, pursuant to the authority of Ordinance No. 545-03, passed on June 2, 2003, which on the basis of the estimated quantity would amount to Twenty-Four Thousand Seven Hundred Fifty and 00/100 Dollars (\$24,750.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such labor and materials necessary, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 146087

which shall be certified against such contract in the sum of Twenty-Four Thousand Seven Hundred Fifty and 00/100 Dollars (\$24,750.00).

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 76-04.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction, Inc., for the public improvement of the salt dome renovations 2003 base bid and add alternate 1 for the Department of Public Service, received on September 25, 2003, pursuant to the authority of Ordinance No. 833-02, passed June 3, 2002, for a gross price for the improvement in the aggregate amount of One Hundred Eighty Six Thousand and no/100 Dollars (\$186,300.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Service is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Envirocom Construction Company, Inc., is hereby approved:

M-A Building & Maintenance Company
\$10,000 (.05%)

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 77-04.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of MPW Industrial Services, Inc. for an estimated quantity to provide labor and material to clean and maintain the scale pits, item A, 1 and 2 for the Division of Waste Collection and Disposal, Department of Public Service, for the period of one (1) year, beginning with the date of execution of a contract, received on November 21, 2003, pursuant to the authority of Ordinance No. 1167-03, passed July 16, 2003, which would amount to approximately Thirty Two Thousand and no/100 Dollars (\$32,000.00), 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. 130433
which shall be certified against such contract in the sum of Thirty Two Thousand and no/100 Dollars (\$32,000.00).

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 78-04.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that all bids received on November 13, 2003, for the public improvements at the Waste Collection facility, for the Department of Public Service, pursuant to the authority of Ordinance No. 833-02, passed by the Council of the City of Cleveland on June 3, 2003, be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 79-04.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that the bid of Atwell's Police & Fire Equipment Company, Inc. for ballistic vests, carriers and T-shirts Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on November 19, 2003, pursuant to the authority of Section 135.06 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to Two Hundred Fifty-Nine Thousand Five Hundred and 00/100 Dollars (\$259,500.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 145059
as specified,
which shall be certified against such contract in the sum of Two Hundred Fifty-Nine Thousand Five Hundred and 00/100 Dollars (\$259,500.00).

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 80-04.

By Director Ronayne.

Whereas, Resolution No. 66-04, adopted by this Board on February 18, 2004, under the authority of Ordinance No. 1264-03 passed by the Council of the City of Cleveland July 16, 2003, authorized the Director of Parks, Recreation, and Properties to enter into a contract with Envirocom Construction Company, Inc., for the public improvements of Maplewood Park Concession Facility; now, therefore

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 66-04, adopted February 18, 2004, under Ordinance No. 1264-03 passed July 16, 2003, approving Envirocom Construction Company, Inc., as the lowest responsible bidder for the Maplewood Park Concession facility for the Department of Parks, Recreation, and Properties, the employment of the following subcontractors for the above-mentioned public improvement is approved:

Subcontractor	Amount	Percentage
21st Century Concrete	\$ 19,000	5.78%
Diamond Fence	\$ 56,000	17.03%
Carr Concrete	\$115,050	34.99%
The Geist Company	\$ 9,900	3.01%

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 81-04.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City 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). 142-25-125, 142-27-069, 142-27-153 under said Land Reutilization Program; and

Whereas, Ordinance No. 2360-03 passed February 2, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2360-03 passed February 2, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Amistad Development Corporation or designee for the sale and development of Permanent Parcel No(s). 142-25-125, 142-27-069, 142-27-153, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 82-04.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City 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 118-28-032 under said Land Reutilization Program; and

Whereas, Ordinance No. 2400-03 passed February 2, 2004, 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, Burten, Bell, Carr Development, Inc. has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2400-03 passed February 2, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development, Inc. for the sale and development of Permanent Parcel No. 118-28-032, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 83-04.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 120-12-063 located at 1373-75 East 124th Place nka Rosa Parks Place in Ward 9; and

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

Whereas, Joseph Herndon and Elnora Herndon, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Joseph Herndon and Elnora Herndon for the sale and development of Permanent Parcel No. 120-12-063 located at 1373-75 East 124th Place nka Rosa Parks Place, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 84-04.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 136-18-098 located at 11209 La Rose Avenue in Ward 2; and

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

Whereas, Thomas S. Armor, Jr., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Thomas S. Armor, Jr. for the sale and development of Permanent Parcel No. 136-

18-098 located at 11209 La Rose Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 85-04.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 016-12-088 located at 3343 West 46th Street in Ward 14; and

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

Whereas, Emory A. Palmer and E.J. Palmer, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Emory A. Palmer and E.J. Palmer for the sale and development of Permanent Parcel No. 016-12-088 located at 3343 West 46th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 86-04.

By Director Hudecek.

Whereas, the Board of Control Resolution 490-03, adopted August 13, 2003, approved Ten Thousand Dollars (\$10,000.00) as the mortgage amount loaned to Frank Noce, 17624 Wildwood Lane, Cleveland, Ohio, as approved by the Housing Advisory Board on March 19, 2002 and ratified on June 18, 2002; and

Whereas, in said Resolution, the Mortgage Loan Borrower was incorrectly stated; now, therefore;

Be it resolved by the Board of Control of the City of Cleveland that the Resolution 490-03, adopted August 13, 2003, approving Ten Thousand Dollars (\$10,000.00) as the amount of the Mortgage Loan to Frank Noce, 17624 Wildwood Lane, Cleveland, Ohio, is hereby amended by changing the name of the Borrowers from Frank Noce to Franco Noce and Jessica P. Noce.

Be it further resolved that all other terms of said Resolution 490-03, adopted August 13, 2003, not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 87-04.

By Director Williams.

Resolved, by the Board of Control of the City of Cleveland that the bid of Records Imaging Service for the following: Digital Document Retrieval Management System for the Division of Director's Office, Department of Building & Housing, received on the 26th day of September 2003 (pursuant to the authority of Ordinance No. 558-03, passed May 12, 2003) which on the basis of the estimated quantities would amount to \$47,089.00 is hereby approved as the lowest and best bid, and the Director of Building & Housing is hereby requested to enter into contract for such commodities.

Yeas: Mayor Campbell, Director Baker, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the

commission not later than the final closing date slated in the examination announcement.

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 15, 2004

9:30 A.M.

Calendar No. 04-24: 2202 Prame Avenue (Ward 14)

The Catholic Diocese of Cleveland, owner, and West Side Ministries, prospective purchaser, appeal to change, to a use for office space, a four-story brick, parish dwelling building, situated on an acreage parcel located in a Multi-Family District on the north side of Prame Avenue at 2202 Prame Avenue; contrary to Section 337.08 of the Residential Districts Regulations, where an office use is not permitted in a Multi-Family District and contrary to the Off-Street Parking and Loading Requirements, there is no parking provided on the premises and office use requires parking at the rate of one space per 500 s/f or 23 spaces as stated in Section 349.04 of the Codified Ordinances. (Reinstated 3-1-04)

Calendar No. 04-25: 3146 Scranton Road (Ward 14)

The Catholic Diocese of Cleveland, owner, and West Side Ministries, prospective purchaser, appeal to change, to a use for administrative offices, community meetings, assembly and after school youth programs, an existing five-story brick school building, situated on an approximate 219' x 196' parcel in a Local Retail Business District on the west side of Scranton Road at 3146 Scranton Road; contrary to Section 343.01 of the Business Districts Regulations, where the use for offices is only permitted in a Local Retail Business District if the occupancy is limited to five or less employees; and subject to the provisions for Nonconforming Uses, where the existing site is nonconforming to the requirements for yards, landscaping and parking, and the substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Reinstated 3-1-04)

Calendar No. 04-40: 3819 West 140th Street (Ward 20)

Kathi Santa, d.b.a. Santa's Workshop, Inc., appeals to erect a 586 s/f

addition to an existing 26' x 46' two-story frame store and suite building, where the store area is currently used for the sale of motorcycle parts, and all situated on a 44' x 125' corner lot in a Local Retail Business District on the southeast corner of West 140th Street and Sacramento Avenue at 3819 West 140th Street; contrary to Section 343.01 of the Business Districts Regulations, where the sale of motorcycle parts is not permitted in a Local Retail Business District but first permitted in a Semi-Industry District under Section 345.03(c)(2); and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(g) no parking spaces are provided where two additional parking spaces are required for the proposed addition; and subject to the provisions for Nonconforming Uses, the expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 04-41: 4760 West 130th Street (Ward 20)

Carl and Connie Shaheen, owners, appeal to change the use of an existing 20' x 27' one-story concrete block building from a carry out ice cream store to used car sales, all situated on a 42' x 140' parcel in a General Retail Business District on the west side of West 130th Street at 4760 West 130th Street; contrary to Section 343.11(b)(2)(1)(4) of the Business Districts Regulations, where a used car lot must maintain a 1 1/2' high barrier at the setback line behind which all vehicles, advertising and parking must be kept and the proposed display area is within the 10' setback and no barrier is proposed; and contrary to Section 349.04 of the Off-Street Parking and Loading Requirements, there is no space provided for customer parking and 25% of the lot space is required; and contrary to Landscaping and Screening Requirements, no landscaping is proposed and a 4' wide frontage landscape strip is required where the lot abuts the street and a 10' transition landscape strip is required at the rear where the lot abuts a One-Family District as stated in Section 352.10 of the Codified Ordinances.

Calendar No. 04-42: 1406-20 East 49th Street (Ward 13)

Ohio Diesel Technical Institute, d.b.a. Tech College, owner, c/o Marc Brenner, agent, appeal to erect approximately 150 l/f of 6' high chain link fence and a 14' gate along the front of a 150' x 141' vacant parcel in a Multi-Family District on the west side of East 49th Street at 1406-1420 East 49th Street; contrary to Section 358.04(a) of the Fence Regulations, where a fence in the front yard shall not exceed 4' in height and 6' is proposed and a chain link fence is proposed where only ornamental fences shall be installed in the front yards of a Residential District and a substitution of chain link fence material requires the Board of Zoning Appeals approval as stated in Section 358.04(c)(1) of the Codified Ordinances.

Calendar No. 04-43: 4020 Wichita Avenue (Ward 16)

Gregory Yearot, owner, appeals to erect a 5' in diameter above ground swimming pool in the front yard area of a 1 1/2-story frame dwelling, situated on an approximate 38' x 141' irregular shaped parcel in a Two-Family District on the north side of Wichita Avenue at 4020 Wichita Avenue; contrary to Section 337.23 of in the Regulations for Residential Districts, where all accessory uses shall be located on the rear half of the lot and subject to the provisions for Nonconforming Uses, where an enlargement or expansion of an existing nonconforming use structure requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 1, 2004

At the meeting of the Board of Zoning Appeals on Monday, March 1, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 04-30: 5700 Fullerton Avenue

Alex Lebovitch appealed to erect a one-story, single family dwelling on a 32' x 53' existing foundation in a Local Retail Business District.

Calendar No. 03-315: 3611 Payne Avenue

Eric Duong appealed to change the use of a one-story laundry and office building to a warehouse storage and distribution facility situated in Local Retail Business and Two-Family Districts; subject to conditions.

The following appeals were **Postponed:**

Calendar No. 04-31: 4009 Bailey Avenue postponed to March 15, 2004.

Calendar No. 04-32: 3200-3204 Carroll Avenue postponed to March 15, 2004.

Calendar No. 04-33: 4277 West 150th Street postponed to April 5, 2004.

The following appeal was **Dismissed:**

Calendar No. 03-323: 9410-14 Lorain Avenue

Albert Coreno appealed to establish use as a body piercing and tattoo place of business a one-story building in a Local Retail Business District.

On Monday, March 1, 2004, in Executive Session:

The following appeals were heard by the Board on Monday, February 23, 2004, and said decisions were approved and adopted in Executive Session on Monday, March 1, 2004:

The following appeals were **Approved:**

Calendar No. 04-341: 1871 West 25th Street

With a Motion for Rehearing granted, Rialto Corporation appealed to expand a nonconforming night club by adding a 1,500 s/f outdoor patio; subject to conditions.

Calendar No. 04-28: 14223 Berwyn Avenue

Robert Wathey appealed to enclose a 10' x 24' front porch of a one family dwelling in a Two-Family District.

Calendar No. 04-37: 4001-4141 N. Marginal Road

The City of Cleveland appealed to change to a use as a Class "B" Multiple Dwelling the former Benjamin Davis Aviation High School building located in a General Industry District.

The following appeals were **Reinstated:**

Calendar No. 04-24: 2202 Prame Avenue

The Catholic Diocese of Cleveland appealed to change for use as office space a parish dwelling building in a Multi-Family District.

Calendar No. 04-25: 3146 Scranton Road

The Catholic Diocese of Cleveland appealed to change for a use as administrative offices, community meetings, assembly and after school youth programs an existing five-story brick school building in a Local Retail Business District.

The following appeal heard by the Board on November 24, 2003 was adopted and approved:

The following appeal was **Approved:**

Calendar No. 03-279: 13229 Enterprise Avenue

James Illius, d.b.a. Builder's Loft appealed to construct an accessory parking area at the front of a commercial building in a Semi-Industry District; subject to revised plan.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of February 25, 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-130-01.
RE: Appeal of Martin Enterprises, Owner of the Vacant Lot — Residential Industry located on the premises known as 4200-01 Jennings

Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing, dated July 23, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, that on the advice of legal counsel, a motion is in order at this time to DISMISS Docket A-130-01. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Saunders.

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

* * *

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).

BE IT RESOLVED, a motion is in order at this time to accept the compliance with that City Of Cleveland Codified Ordinance by the plan presented by the Appellant, which states that 90% of the total building would be done by October 1st, 2007 with steps in 2004, 2005, and 2006 as outlined; and to request that the Appellant submit this plan in writing to the Division of Fire. Motion so in order. Motioned by Mr. Saunders and seconded by M. Bradley.

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

* * *

Docket A-107-03.

RE: Appeal of Joseph Freund & Rubin Freund, Owner of the Property located on the premises known as 3339 West 65th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 28, 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 3339 West 65th Street to the Division of Fire for review, supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-108-03.

RE: Appeal of Ricardo B. Teamor, Owner of the Property located on the premises known as 3000 Woodhill Road from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 31, 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 3000 Woodhill Road to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-135-03.

RE: Appeal of Marc Glassman, Inc., Owner of the Property located on the premises known as 15030 Puritas Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated October 29, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-135-03 has been POSTPONED; to be rescheduled in thirty (30) days.

* * *

Docket A-9-04.

RE: Appeal of Day Electric Company Inc. C/O Ralph L. Day, Contractor Property located on the premises known as 5900 Riverside Drive from an ADJUDICATION ORDER — PERMIT FEES of the Commissioner of the Department of Building and Housing, dated January 22, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

The Board will take no action on Docket A-9-04 at this time to do more research.

* * *

Docket A-10-04.

RE: Appeal of James & Marilyn Engel, Owners of the Residential Property located on the premises known as 6014 Franklin Boulevard from a NOTICE OF NONCONFORMANCE of the Commissioner of the Department of Building and Housing, dated February 12, 2004, 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 permit the walls of the building to remain as they are, unrated; however, the windows must have one-hour glass in them or be sprinkled to maintain the rating of the windows on the rear wall; and that in lieu of this, an easement of eighteen (18) inches may be obtained so that the rear wall and the windows can remain unrated. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley 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-130-03—Susan S. Slaughter.
- A-132-03—Global Builders & Jessie Johnson.
- A-136-03—Bradt-Zanick, L.L.C.
- A-137-03—George M. Greenawalt.
- A-140-03—Kenneth F. Brichacek.
- A-141-03—Joseph K. Hasrouni.
- A-144-03—Ajaz Emini.
- A-1-04—Brooklyn Memorial United Church.
- A-8-04—Stonebridge Center.

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saab 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):

February 11, 2004

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

* * *

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 minor

ity 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, MARCH 11, 2004

Superior Avenue Street Scape Improvement Between East 18th Street and East 30th Street, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance No. 867-2000, passed by the Council of the City of Cleveland, June 19, 2000.

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, MARCH 4, 2004 AT 2:00 P.M., CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 25, 2004 and March 3, 2004

FRIDAY, MARCH 12, 2004

Hazardous and Non-Hazardous Waste Disposal & Environmental Equipment and Supplies, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2316-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A MANDATORY PRE-BID MEETING, FRIDAY, MARCH 5, 2004 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM-1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 25, 2004 and March 3, 2004

WEDNESDAY, MARCH 17, 2004

Accessories and Equipment for Upfitting a Cargo Van, for various divisions of the Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, MARCH 8, 2004 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

One (1) Utility Service Body and 50' Aerial Device, for various divisions of the Department of Public

Service, Parks, Recreation and Properties, and Public Safety, as authorized by Ordinance No. 1683-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, MARCH 8, 2004 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Citywide Scrap Metal Sales for Paper-Insulated Lead Covered Copper Cable, for various divisions of City Government, Department of Finance, as authorized by Section 181.18, of the Codified Ordinances of Cleveland, Ohio, 1976.

February 25, 2004 and March 3, 2004

THURSDAY, MARCH 18, 2004

Metering Equipment, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, MARCH 11, 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.

High Voltage Switch Gear, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A MANDATORY PRE-BID MEETING, FRIDAY, MARCH 12, 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.

February 25, 2004 and March 3, 2004

FRIDAY, MARCH 19, 2004

Labor & Materials to Repair Water Mains-Area: East, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2311-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, MARCH 5, 2004 AT 1:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM-1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 25, 2004 and March 3, 2004

THURSDAY, MARCH 25, 2004

Furnish and Install Carpeting, for various divisions of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2025-02, passed by the Council of the City of Cleveland, November 18, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, MARCH 18, 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.

March 3, 2004 and March 10, 2004

WEDNESDAY, MARCH 31, 2004

Labor and Materials Necessary to Clean and Maintain Oil/Water Separators, Sewers, Electrical Vaults, Holding Tanks, Lift Stations, and Associated Appurtenances, Including Testing and Disposal of Waste Materials, for various divisions of the Department of Port Control, as authorized by Ordinance No. 1218-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MARCH 18, 2004 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Labor and Materials for the Rental of Snow Removal and Heavy-Duty Equipment with Operations, for various divisions of the Department of Port Control, as authorized by Ordinance No. 1888-03, passed by the Council of the City of Cleveland, November 10, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, WEDNESDAY, MARCH 17, 2004 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

March 3, 2004 and March 10, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 255-04. By Council Member Pierce Scott. An emergency resolution declaring this Council's support of the proposal of Glenbrooke Homes III, L.P. to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Glenbrooke Homes III, L.P. is proposing to build up to 60 single family homes in the City of Cleveland; and

Whereas, none of the project's total units will be market rate units; and

Whereas, 20% of the project's total units will be set aside for

households with annual incomes that are at or below 35% of the area median gross income and the balance of the units will be leased to households with annual incomes that are 60% or less of the area median gross income; and

Whereas, Glenbrooke Homes III, L.P.'s proposal will benefit the citizens of the City and will utilize housing tax credits; 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 hereby declares its support of the proposal of Glenbrooke Homes III, L.P. to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the project owner, Glenbrooke Homes III, L.P., c/o Glensville Development Corporation, 10650 St. Clair Avenue, Cleveland, Ohio 44108.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 256-04.

By Council Members Brady, Jackson, Gordon, Britt, Polensek, Pierce Scott, Cintron, Conwell, Zone, Reed, Coats, Sweeney, Westbrook, Cimperman, Dolan, Johnson, Jones, Lewis, O'Malley, Rybka and White.

An emergency resolution opposing the plan of President George W. Bush to eliminate Community Development Block Grant funding in year 2005.

Whereas, Community Development Block Grant ("CDBG") funding provides the City of Cleveland and other eligible metropolitan cities and urban counties with annual direct grants that they can use to revitalize neighborhoods, expand affordable housing and economic opportunities, and improve community facilities and services, principally to benefit low and moderate income persons; and

Whereas, the White House released a list of programs that it wants to eliminate in 2005 and programs that it hopes to cut back significantly; and

Whereas, one of the programs listed was the elimination of the Community Development Block Grant program as the White House proposes a reduction in funding from \$334 million in 2004 to \$0 in 2005; and

Whereas, elimination of the Community Development Block Grant program will have a devastating effect on the City of Cleveland and other cities; and

Whereas, the United States Housing and Urban Development's web-

site indicates that "the impact of CDBG-funded projects can be seen in the housing stock, the business environment, the streets and the public facilities of entitlement communities" and indicates that "the program is also an increasingly important catalyst for economic development activities that expand job and business opportunities for lower income persons and neighborhoods"; and

Whereas, in these challenging economic times, it is important to continue programs that benefit low and moderate income persons and communities; and

Whereas, in these challenging economic times, it is also important to provide adequate funding of programs that increase economic development opportunities; 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 strongly opposes the plan of President George W. Bush to eliminate Community Development Block Grant funding in year 2005.

Section 2. That the Clerk of Council is hereby requested to transmit copies of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs Jones, Congressman Steven LaTourette, Congressman Sherrod Brown, the Board Members of the National League of Cities, the Board Members of the National Black Caucus of Local Elected Officials (NBC-LEO), and the Director of the Ohio Municipal League.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 257-04.

By Council Member Britt.

An emergency resolution declaring Cleveland City Council's support of the proposal of Erie Square Apartments, L.P. to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Erie Square Apartments, L.P., is proposing to develop up to eighty-nine (89) housing units at 7621-7711 Euclid Avenue, Cleveland, Ohio; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent

(60%) of the area median income and no housing units will be market rate; and

Whereas, twenty percent (20%) of these housing units will serve a special needs population, namely: households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, forty percent (40%) of these housing units will have incomes at or below fifty percent (50%) of the area median income and,

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 the Council of the City of Cleveland supports the proposal of Erie Square Apartments, L.P. to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 258-04.

By Council Member Cimperman.

An emergency resolution declaring Cleveland City Council's support of the proposal of Famicos Foundation for the development and construction of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Famicos Foundation is proposing to redevelop forty-four (44) units of Single Room Occupancy housing in the 1850 Superior Avenue Apartment building; and

Whereas, one hundred percent (100%) of these units will be occupied by low-income individuals, with no market rate units; and

Whereas, no less than fifty percent (50%) of the units will serve a special needs population, specifically households that are homeless and in need of supportive services as defined in the 2004 Qualified Allocation Plan; and

Whereas, Famicos Foundation's proposal will benefit the citizens of the City; 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 the Council of the City of Cleveland supports the proposal of Famicos Foundation for the development of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit two certified copies of this resolution to the Executive Director of Famicos Foundation.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 259-04.

By Council Members Gordon and Jackson.

An emergency resolution declaring Cleveland City Council's support of the proposal of Cleveland Housing Network Limited Partnership XXI to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cleveland Housing Network Limited Partnership XXI is proposing to develop up to eighty five (85) housing units on scattered sites throughout the City of Cleveland; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income, and no housing units will be market rate; and

Whereas, twenty percent (20%) of these housing units will serve a special needs population, namely households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, the Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 the Council of the City of Cleveland supports the proposal of Cleveland Housing Network Limited Partnership XXI to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 260-04.

By Council Member Lewis.

An emergency resolution declaring Cleveland City Council's support of the proposal of Hough Homes L.P. to provide affordable housing through the use of Housing Tax Credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Hough Homes L.P. is proposing to develop up to seventy (70) new homes on scattered sites located primarily in the Hough neighborhood of Cleveland; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income, and no housing units will be market rate; and

Whereas, twenty percent (20%) of these housing units will serve a special needs population, namely households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 the Council of the City of Cleveland supports the proposal of Hough Homes L.P. to provide affordable housing for the citizens of Cleveland through the use of Housing Tax Credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Directors of the Ward 7 CECD, the Cleveland Housing Network, Inc., and the Lutheran Housing Corporation.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 261-04.

By Council Member Zone.

An emergency resolution declaring Cleveland City Council's support of the proposal of Detroit Shoreway Community Development Organization to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Detroit Shoreway Community Development Organization is proposing to form a partnership to develop up to eighty-five (85) housing units near the intersection of West 65th Street and Detroit Avenue in Cleveland, Ohio; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income and no housing units will be market rate; and

Whereas, twenty percent (20%) of these housing units will serve a special needs population, namely: households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 the Council of the City of Cleveland supports the proposal of Detroit Shoreway Community Development Organization to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Detroit Shoreway Community Development Organization.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 275-04.

By Council Member Britt.

An emergency resolution withdrawing objections to a New C1 and C2 Liquor Permit at 2609 East 110th Street and repealing Resolution Nos. 1550-03 and 1551-03, objecting to said permit.

Whereas, this Council objected to a New C1 and C2 Liquor Permit to 2609 East 110th Street by Resolution Nos. 1550-03 and 1551-03 adopted by the Council on August 13, 2003; and

Whereas, this Council wishes to withdraw its objections 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 C1 and C2 Liquor Permit to Clarinda C. Hodge, DBA East 110th Drive Thru, 2609 East 110th Street, Cleveland, Ohio 44104, Permanent Number 3884170, be and the same is hereby withdrawn and Resolution Nos. 1550-03 and 1551-03, containing such objections, 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 February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 276-04.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 6710 St. Clair Avenue and repealing Resolution No. 1294-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 6710 St. Clair Avenue by Resolution No. 1294-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Joseph Cimperman and Applicant, Edward Dial, DBA Dawn's Market & Deli, 6710 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 2119558, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Edward Dial, DBA Dawn's Market & Deli, 6710 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number

2119558 be and the same is hereby withdrawn and Resolution No. 1294-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 277-04.

By Council Member Johnson.

An emergency resolution objecting to a New D3A Liquor Permit at 12302 Buckeye Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New D3A Liquor Permit at Buckeye Bar, Inc., 12302 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 1069961; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New D3A Liquor Permit at Buckeye Bar, Inc., 12302 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 1069961, and requests the Director of Liquor Control to set a hearing for said application in accordance with

provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 278-04.

By Council Member Johnson.

An emergency resolution objecting to the transfer of Liquor License of a D1, D2 and D3 Liquor Permit to 12302 Buckeye Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D1, D2 and D3 Liquor Permit from DEBE Management Co., Inc., DBA Millennium, 1st and 2nd Floors, N. End & Patio WS, 1012 Sumner Avenue, Cleveland, Ohio 44115, Permanent Number 1990748 to Buckeye Bar, Inc., 12302 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 1069961; and

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

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

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

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

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

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

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

Be it resolved by the Council of

the City of Cleveland:

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D1, D2 and D3 Liquor Permit from DEBE Management Co., Inc., DBA Millennium, 1st and 2nd Floors, N. End & Patio WS, 1012 Sumner Avenue, Cleveland, Ohio 44115, Permanent Number 1990748 to Buckeye Bar, Inc., 12302 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 1069961, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 279-04.

By Council Member Johnson.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 2742 Van Aken Boulevard and repealing Resolution No. 1325-03, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 2742 Van Aken Boulevard by Resolution No. 1325-03 adopted by the Council on July 16, 2003; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Van Aken Market, Inc., DBA Market on the Square, 2742 Van Aken Boulevard, Cleveland, Ohio 44120, Permanent Number 9198474 be and the same is hereby withdrawn and Resolution No. 1325-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 280-04.**By Council Member Polensek.**

An emergency resolution withdrawing objections to a New C2 and renewal of a C1 and C2 Liquor Permit at 15638 Holmes Avenue and repealing Resolution Nos. 334-03 and 1336-03, objecting to said permit.

Whereas, this Council objected to a New C2 and renewal of a C1 and C2 Liquor Permit to 15638 Holmes Avenue by Resolution No. 334-03 adopted by the Council on March 3, 2003 and Resolution No. 1336-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objections 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 objections to a New C2 and renewal of a C1 and C2 Liquor Permit to Tamara Tait, DBA R & T Resale and Variety, 15638 Holmes Avenue, Cleveland, Ohio 44110, Permanent Number 8780685, be and the same is hereby withdrawn and Resolution Nos. 334-03 and 1336-03, containing such objections, 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 February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 281-04.**By Council Member Zone.**

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 6520 Lorain Avenue and repealing Resolution No. 1350-03, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 6520 Lorain Avenue by Resolution No. 1350-03 adopted by the Council on July 16, 2003; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to 6520 Tavern, Inc., DBA Jo Jo's, 6520 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 8200146 be and the same is hereby withdrawn and Resolution No. 1350-03, containing such objection, be and the same is hereby repealed and that this

Council consents to the immediate renewal thereof.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 282-04.**By Council Member White.**

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 7910 Harvard Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Clark Retail Enterprises, Inc., DBA Clark Store #1225, 7910 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 15255111225 to Amer Alahmad, DBA Open Pantry, 7910 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 0092793; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Clark Retail Enterprises, Inc., DBA Clark Store #1225, 7910 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 15255111225 to

Amer Alahmad, DBA Open Pantry, 7910 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 0092793; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 283-04.**By Council Member Jackson.**

An emergency resolution objecting to a New C1 Liquor Permit at 3230 East 93rd Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Family Dollar, Inc., DBA Family \$1.00 Discount, 3230 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 2631277; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Family Dollar, Inc., DBA Family \$1.00 Discount, 3230 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 2631277, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 284-04.

By Council Member Zone.

An emergency resolution opposing House Bill 386, which creates a statewide uniform building code as adopted by the State Board of Building Standards, and House Bill 175, which would establish a statewide uniform building code for all residential buildings.

Whereas, state representatives recently introduced House Bill 386, which specifies that the building code adopted by the state Board of Building Standards is a statewide uniform building code; and

Whereas, the House is also considering a previously introduced bill, H.B. 175, which would establish a uniform building code for all residential buildings; and

Whereas, both bills prohibit local governments from adopting rules or regulations in conflict with the statewide code; and

Whereas, additionally, local governments may not set standards higher than those established in the proposed statewide standards; and

Whereas, Ohio is an extremely diverse state and neither bill reflects the differences that exist among Ohio communities in everything from snowfall to topography, to community preference to history; and

Whereas, while it may be beneficial to have statewide building code standards to set minimum regulations, these bills establish the only standards a community may have, which will be difficult, if not impossible to enforce in all Ohio communities; and

Whereas, H.B. 175 removes local government's authority to require licensing of residential contractors which diminishes the ability of local governments to set minimum contractor standards; and

Whereas, H.B. 386 and H.B. 175 may violate the Home Rule provisions of the Ohio Constitution, which give communities the right to govern themselves; 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 hereby opposes House Bill 386, which creates a statewide uniform building code as adopted by the State Board of Building Standards, and House Bill 175, which would establish a statewide uniform building code for all residential buildings.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the appropriate members of the Ohio legislature and to the Ohio Municipal League.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Res. No. 301-04.

By Council Members Coats and Jones.

An emergency resolution opposing House Bill 278, attempting to grant all power to regulate the placement and operation of oil and gas wells to the Ohio Department of Natural Resources, as House Bill 278 violates the home rule powers granted to municipalities by the Ohio Constitution.

Whereas, House Bill 278 gives all power to regulate the placement and operation of oil and gas wells to the Ohio Department of Natural Resources; and

Whereas, municipalities in Ohio, such as the City of Cleveland, exercising their constitutional home rule powers may regulate oil and gas wells; and

Whereas, House Bill 278 is contrary to the Ohio Constitution in that it violates the right of municipalities to exercise home rule powers as House Bill 278 declares that the Division of Mineral Resources Management, in the Department of Natural Resources, has exclusive authority to regulate the permitting, location, and spacing of oil and gas wells in the State of Ohio; 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 hereby declares its opposition to House Bill 278, attempting to grant all power to regulate the placement and operation of oil and gas wells to the Ohio

Department of Natural Resources, as House Bill 278 violates the home rule powers granted to municipalities by the Ohio Constitution.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Ohio Governor Bob Taft, those members of the State of Ohio Legislature representing residents of the City of Cleveland, and the Director of the Ohio Municipal League.

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

Adopted February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Ord. No. 7-04.

By Council Member Brady.

An emergency ordinance authorizing and directing the Director of City Planning to enter into an agreement with the City of Brooklyn regarding uses and districts across common boundaries when applying zoning laws.

Whereas, in certain instances, the Zoning Code of the Codified Ordinances of Cleveland, Ohio, 1976, requires a separation of use districts, lots or uses by a specified distance; and

Whereas, pursuant to Codified Ordinance Section 331.04, the calculation and application of distance requirements shall consider uses and districts across the City's boundary if the City and bordering jurisdiction have entered into an agreement whereby each will consider uses and districts across the common boundary; and

Whereas, the City of Cleveland and the City of Brooklyn share a common boundary; and

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

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

Section 1. That the Director of City Planning is hereby authorized and directed to enter into an agreement with the City of Brooklyn whereby Cleveland and the City of Brooklyn will consider uses and districts across the common boundary when applying the zoning laws of each City which may have separation requirements.

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

Passed February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Ord. No. 44-04.**By Council Member Brady.**

An emergency ordinance authorizing and directing the Director of City Planning to enter into an agreement with the City of Lakewood regarding uses and districts across common boundaries when applying zoning laws.

Whereas, in certain instances, the Zoning Code of the Codified Ordinances of Cleveland, Ohio, 1976, requires a separation of use districts, lots or uses by a specified distance; and

Whereas, pursuant to Codified Ordinance Section 331.04, the calculation and application of distance requirements shall consider uses and districts across the City's boundary if the City and bordering jurisdiction have entered into an agreement whereby each will consider uses and districts across the common boundary; and

Whereas, the City of Cleveland and the City of Lakewood share a common boundary; and

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

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

Section 1. That the Director of City Planning is hereby authorized and directed to enter into an agreement with the City of Lakewood whereby Cleveland and the City of Lakewood will consider uses and districts across the common boundary when applying the zoning laws of each City which may have separation requirements.

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

Passed February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Ord. No. 45-04.**By Council Member Brady.**

An emergency ordinance authorizing and directing the Director of City Planning to enter into an agreement with the City of Linndale regarding uses and districts across common boundaries when applying zoning laws.

Whereas, in certain instances, the Zoning Code of the Codified Ordinances of Cleveland, Ohio, 1976, requires a separation of use districts, lots or uses by a specified distance; and

Whereas, pursuant to Codified Ordinance Section 331.04, the calculation and application of distance requirements shall consider uses and districts across the City's boundary if the City and bordering jurisdiction have entered into an agreement whereby each will consider uses and districts across the common boundary; and

Whereas, the City of Cleveland

and the City of Linndale share a common boundary; and

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

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

Section 1. That the Director of City Planning is hereby authorized and directed to enter into an agreement with the City of Linndale whereby Cleveland and the City of Linndale will consider uses and districts across the common boundary when applying the zoning laws of each City which may have separation requirements.

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

Passed February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Ord. No. 98-04.**By Council Members Britt and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from Cuyahoga County, Department of Senior and Adult Services, for the Community Navigator Program; and authorizing the Director to employ one or more professional consultants to provide services to implement the program.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$120,000, and any other funds that may become available during the grant term from Cuyahoga County, Department of Senior and Adult Services, to conduct the Community Navigator Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 98-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Aging is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the program as

described in the file.

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

Section 4. That the cost of contract or contracts authorized shall be paid from the fund or funds which are credited the proceeds of the grant accepted under this ordinance.

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 February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Ord. No. 99-04.**By Council Members Britt and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the McGregor Foundation for the CHORE Program.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$26,000, and any other funds that may become available during the grant term from the McGregor Foundation to conduct the CHORE Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 99-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

Passed February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Ord. No. 262-04.
By Council Members Gordon and O'Malley.

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 2453-03 passed December 15, 2003 as it pertains to authorizing the Director of Community Development to enter into a grant agreement with Old Brooklyn Neighborhood Services, Inc. for providing their Old Brooklyn Residential Safety and Health program through the use of Wards 15 and 16 Neighborhood Equity Funds.

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

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

Section 1. That Sections 1 and 2 of Ordinance No. 2453-03, passed December 15, 2003 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into a grant agreement effective from January 1, 2004 to December 31, 2004 with the Old Brooklyn Neighborhood Services for providing their Old Brooklyn Residential Safety and Health program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Wards 15 and 16 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$56,609.40 and shall be paid from Fund No. 10 SF 166.

Section 2. That Sections 1 and 2 of Ordinance No. 2453-03 passed December 15, 2003 are hereby repealed.

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

Passed February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Ord. No. 263-04.

By Council Member Zone.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Detroit Shoreway Community Development Organization for the implementation of the Community Forum Program through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Detroit Shoreway Community Development Organization for the implementation of the Community Forum Program for the public purpose of providing a strategic community planning and assessment

program for Cleveland residents to develop and promote sustainable neighborhoods in the City of Cleveland through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$31,875 and shall be paid from Fund No. 10 SF 166.

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

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

Passed February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

Ord. No. 285-04.

By Council Member Polensek.

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property located at 17306 Lakeshore Boulevard which will be placed into the City's Land Reutilization Program for future redevelopment, for the Department of Community Development.

Whereas, the Director of Community Development has requested the purchase of property located at 17306 Lakeshore Boulevard which will be placed into the City's Land Reutilization Program for future redevelopment; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase property located at 17306 Lakeshore Boulevard, Permanent Parcel No. 113-25-007, which will be placed into the City's Land Reutilization Program for future redevelopment and more fully described as follows:

P. P. No. 113-25-007

17306 Lakeshore Boulevard
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 28 and 29 in Milton E. Bertram's Boulevard Allotment of part of Original Euclid Township Tract No. 15, as shown by the recorded plat in Volume 80 of Maps, Page 1 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 174th Street at a point 40 feet Northerly from the Southeasterly corner of said Sublot No. 28;

Thence Northerly along the said Westerly line of East 174th Street,

139.98 feet to the Southerly end of a turnout between said Westerly line and the Southerly line of Lake Shore Boulevard;

Thence Northwesterly along said turnout on a curved line deflecting to the left 31.44 feet to the Westerly end of said turnout;

Thence Westerly along said Southerly line of Lakeshore Boulevard 86.98 feet;

Thence Southerly on a line parallel to the Westerly line of said Sublot No. 29, 96 feet;

Thence Westerly on a line parallel to the Southerly line of Lakeshore Boulevard, 1-1/2 feet;

Thence Southerly on a line parallel to the Westerly line of said Sublot No. 29, 18 feet;

Thence Easterly on a line parallel to the Southerly line of Lakeshore Boulevard; 1-1/2 feet;

Thence Southerly on a line parallel to the Westerly line of said Sublot No. 29, 46 feet;

Thence Easterly 107 feet to the place of beginning as appears by said plat.

Section 2. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall be \$1.00 and other valuable considerations which is determined to be fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 14 SF 029.

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 February 23, 2004.

Awaiting the Approval or Disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

**Friday, February 27, 2004
 9:30 a.m.**

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Pierce Scott, Coats, Gordon, Westbrook. *Authorized Absence:* White, O'Malley, Brady, Reed, Britt.

**Monday, March 1, 2004
 9:00 a.m.**

Joint Committees: Community and Economic Development and Finance: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Jones, Reed, Pierce Scott, Zone. *Authorized Absence:* Lewis. Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Reed, Coats, Pierce Scott, White, O'Malley, Gordon, Westbrook. *Authorized Absence:* Brady, Britt.

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O—Ordinance; R—Resolution; F—File
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