



August 2, 2003
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THE TOLEDO CITY JOURNAL

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Enacted Legislation

ORD. 271-03

Amending certain Sections of the Toledo Municipal Code pertaining to Predatory Lending.

SUMMARY & BACKGROUND:

On November 5, 2002, City Council passed Ordinance No. 291-02 which amended the Toledo Municipal Code by enacting Sections relative to prohibiting certain lending practices, aka Predatory Lending. These Sections of the TMC have not been in effect due to continued stays by the Common Pleas Court. The Oversight Committee has been meeting and recommends changes to the TMC that should allow for compliance and enforcement. NOW, THEREFORE,

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

SECTION 1. That the provisions of Toledo Municipal Code Section 795.20 Definition, which reads as follows:

795.20 Definition

(a) As used in this Chapter:

(1) "Affiliate" means any company that controls, is controlled by, or is under common control related to or associated with another company, as set forth in the Bank Holding Company Act of 1956 (12 U.S.C. §1841 et seq.), as amended from time to time.

However, an "affiliate" shall not include any entity whose predominant business is the providing of tax deferred, defined contribution, pension plans to public employees in accordance with Section 403(b) and 457 of the Internal Revenue Code.

(2) "Appraiser" means anyone who, for a direct or indirect payment, produces an estimated value of residential real estate.

(3) "City" the City of Toledo.

(4) "City Agency" the City of Toledo, its departments, boards and commissions.

(5) "Lender" means:

(a) any person, party, institution, business entity, or affiliate that actively transacts business involving the placement, origination, purchasing, brokering or selling of home loans;

(b) any affiliated person, affiliated party, affiliated institution, affiliated business entity, or lenders affiliate that actively assists a borrower in obtaining a home loan, when the person, party, institution, or affiliate charges or receives money or other valuable consideration for providing this assistance; or

(c) a land installment contract vendor solely for the purpose of enforcing Section 795.21(a)(8).

be and the same is hereby repealed.

SECTION 2. That a new Toledo Municipal Code Section 795.20 Definition, which reads as follows:

795.20 Definition

(a) As used in this Chapter:

(1) "Affiliate" means any company that controls, is controlled by, or is under common control related to or associated with another company, as set forth in the Bank Holding Company Act of 1956 (12 U.S.C. §1841 et seq.), as amended from time to time.

However, an "affiliate" shall not include any entity whose predominant business is the providing of tax deferred, defined contribution, pension plans to public employees in accordance with Section 403(b) and 457 of the Internal Revenue Code.

(2) "Appraiser" means anyone who, for a direct or indirect payment, produces an estimated value of residential real estate.

(3) "City" the City of Toledo.

(4) "City Agency" the City of Toledo, its departments, boards and commissions.

(5) "Home Loan" means an extension of credit secured by a mortgage lien on a one to four unit owner occupied principal family residential property located within the City of Toledo.

(6) "Lender" means:

(a) any person, party, institution, business entity, or affiliate that actively transacts business-involving origination of home loans;

(b) any affiliated person, affiliated party, affiliated institution, affiliated business entity, or lenders affiliate that actively assists a borrower in obtaining a home loan, when the person, party, institution, or affiliate charges or receives money or other valuable consideration for providing this assistance; or

(c) a land installment contract vendor solely for the purpose of enforcing Section 795.21(a)(8).

(7) "Prepayment penalty" means a monetary penalty that may be applied to loans where the borrower pays on principal at an earlier date than agreed to in the original loan instrument.

be and the same is hereby enacted.

SECTION 3. That the provisions of Toledo Municipal Code Section 795.21 Prohibited Practices, which reads as follows:

795.21 Prohibited Practices

(a) No lender shall knowingly do any of the following:

(1) Make or broker a home loan based on an appraisal which unreasonably overstates the value of the property, or

(2) Prepare a home loan application which misrepresents the incomes, assets or expenses of the borrower, or

(3) Request a borrower to sign an inaccurate or incomplete home loan document, or

(4) Commit an unconscionable act or practice in connection with a home loan transaction. A lender acts unconscionably when he knowingly takes advantage of the inability of a borrower to reasonably protect his interests because of the borrowers physical or mental infirmities, ignorance, illiteracy or inability to understand the language of the home loan transaction, or

(5) Give or accept a fee, kickback or anything of value in exchange for referral of settlement service business involving a mortgage loan regulated by the Real Estate Settlement Procedures Act, or

(6) Pay a contractor under a home-improvement contract from the proceeds of a home loan other than (i) by an instrument payable to the borrower or jointly to the borrower and the contractor, or (ii) at the election of the borrower, through a third-party escrow agent in accordance with terms established in a written agreement signed by the borrower, the lender, and the contractor prior to the disbursement, or

(7) Shall steer a borrower to a loan product materially detrimental to the interests of the borrower and solely for the monetary benefit of the lender, or

(8) In a land installment contract sale require a vendee, as a condition of the sale, to sign a quitclaim deed, deeding the property in question to the vendor in the event of a default by the vendee, or

(9) Fail to make any disclosure as required by Section 795.22.

be and the same is hereby repealed.

SECTION 4. That a new Toledo Municipal Code Section 795.21 Prohibited Practices, which reads as follows:

795.21 Prohibited Practices

(a) No lender shall knowingly do any of the following:

(1) Make or broker a home loan based on an appraisal which unreasonably overstates the value of the property, or

(2) Prepare a home loan application which misrepresents the incomes, assets or expenses of the borrower, or

(3) Request a borrower to sign an inaccurate or incomplete home loan document, or

(4) Commit an unconscionable act or practice in connection with a home loan transaction. A lender acts unconscionably when he knowingly takes advantage of the inability of a borrower to reasonably protect his interests because of the borrowers physical or mental infirmities, ignorance, illiteracy or inability to understand the language of the home loan transaction, or

(5) Give or accept a fee, kickback or anything of value as defined by the Real Estate Settlement Procedures Act in exchange for referral of settlement service business involving a mortgage loan regulated by the Real Estate Settlement Procedures Act, or

(6) Pay a contractor under a home-improvement or construction contract from the proceeds of a home loan other than (i) by an instrument payable to the borrower or jointly to the borrower and the contractor, or (ii) at the election of the borrower, through a third-party escrow agent in accordance with terms established in a written agreement signed by the borrower, the lender, and the contractor prior to the disbursement, or

(8) Shall steer a borrower to a loan product materially detrimental to the interests of the borrower and solely for the monetary benefit of the lender, or

(8) In a land installment contract sale require a vendee, as a condition of the sale, to sign a quitclaim deed, deeding the property in question to the vendor in the event of a default by the vendee, or

(9) Fail to make any disclosure as required by Section 795.22.

be and the same is hereby enacted.

SECTION 5. That the provisions of Toledo Municipal Code Section 795.22 Disclosures, which reads as follows:

795.22 Disclosures

(a) A lender shall provide the following warnings in writing, where applicable, which warnings shall be separately initialed by the borrower.

(1) Mandatory Arbitration Warning. This loan contains a mandatory arbitration clause which means your right to seek relief in case of violation of law has occurred are limited. You may not be able to protect your rights by filing a court action against your lender.

(2) Prepayment Penalty Warning. This loan contains a prepayment penalty. If you pay your loan off within _____ you will owe your lender an additional amount of money up to \$_____.

(3) Finance of Credit Insurance Warning. You are financing credit life, credit disability and or credit unemployment insurance. The total cost of the insurance premium is \$_____. The insurance premium will be prepaid out of the loan proceeds. This insurance premium is being financed at the same interest rate as your mortgage. The term of this insurance policy is _____ years. You are not required to purchase credit life, credit disability or credit unemployment insurance as a condition of this loan.

(4) Balloon Payment Warning. This loan will not be paid off by your regular periodic payments. On _____ you will still owe a balance of approximately \$_____ (this amount may be effected by prepayment, escrow or various other factors and is therefore intended only as a good faith estimate of the balance owed on that date). If you do not have the amount of money due on that date you will have to get another loan to pay it. If you fail to make the final payment, your loan will be in default.

(5) Adjustable Rate Warning. Your loan includes an adjustable interest rate. This means that the interest rate on your loan may change.

(6) Release of Lender Warning. The purpose of this loan is to pay for a home improvement contract. The lender shall not be liable for any non-performance on the part of the home improvement contractor unless the lender has engaged in an act or practice prohibited by Section 795.21.

(7) Notice of Representation. Please be aware that the lender is not providing you with legal representation in this transaction. You are fully

encouraged to seek legal representation in this transaction.

(8) Third Party Cost Warning. This loan contains fees payable to third parties which fees may still be payable by the borrower in the event this loan does not close provided that the lender has not engaged in an act or practice prohibited by Section 795.21.

(b) The disclosures contained in this section shall be provided to the borrower at least three days before the date of closing.

be and the same is hereby repealed.

SECTION 6. That a new Toledo Municipal Code Section 795.22 Disclosures, which reads as follows:

795.22 Disclosures

(a) The disclosures contained in this section shall be provided to the borrower in person or via fax at least three business days before the date of closing, if delivered by overnight mail sent at least four business days before the date of closing, or mailed five business days before closing if delivered by regular mail.

(1) Mandatory Arbitration Warning. This loan contains a mandatory arbitration clause which means your right to seek relief in case of a violation of law has occurred are limited. You may not be able to protect your rights by filing a court action against your lender.

(2) Prepayment Penalty Warning. This loan contains a prepayment penalty. If you pay your loan off within _____ you will owe your lender an additional amount of money up to \$_____.

(3) Finance of Prepaid Credit Insurance Warning. You are financing:

_____ **credit life insurance.** _____
The total cost of the premium is \$_____.
This insurance term is _____ months.

_____ **credit disability insurance.**
The total cost of the premium is \$_____.
This insurance term is _____ months.

_____ **credit unemployment insurance**
The total cost of the premium is \$_____.
This insurance term is _____ months.

_____ **other insurance**
The total cost of the premium is \$_____.
.This insurance term is _____ months.

The insurance premium will be prepaid out of the loan proceeds. This insurance premium is being financed at the same interest rate as your mortgage. _____ years. You are not required to purchase credit life, credit disability, or credit unemployment insurance as a condition of this loan and you may cancel such insurance within 30 days of closing

(4) Balloon Payment Warning. This loan will not be paid off by your regular periodic payments. On _____ you will still owe a balance of approximately \$_____ (this amount may be effected by prepayment, escrow or various other factors and is therefore intended only as a good faith estimate of the balance owed on that date). If you do not have the amount of money due on that date you may have to get another loan.. If you fail to make the final payment, your loan will be in default.

(5) Adjustable Rate Warning. Your loan includes an adjustable interest rate. This means that the interest rate on your loan may change as described in your note. Your payment may increase.

(6) Release of Lender Warning. The purpose of this loan is to pay for a home improvement contract. The lender shall not be liable for any non-performance on the part of the home improvement contractor unless the lender has engaged in an act or practice prohibited by Section 795.21.

(7) Notice of Representation. Please be aware that the lender is not providing you with legal representation in this transaction. You are fully encouraged to seek legal representation in this transaction.

(8) Third Party Cost Warning. This loan contains fees payable to third parties which fees may still be payable by the borrower in the event this loan does not close provided that the lender has not engaged in an act or practice prohibited by Section 795.21.

(9) If you do not understand any part of this disclosure or any of the terms of your home loan, please seek mortgage counseling prior to your date of closing. Your lender can supply a current list of mortgage counseling agencies approved by the City of Toledo to be developed by the Department of Economic & Community Development.

(10) The disclosures contained in this section shall be provided to the borrower in person or via fax at least three business days before the date of closing, if delivered by overnight mail sent at least four business days before the date of closing, or mailed five business days before closing if delivered by regular mail.

be and the same is hereby enacted.

SECTION 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law. The provisions of this ordinance shall have no effect on home mortgage loans applied for prior to the effective date of this ordinance.

Passed: July 22, 2003: yeas 11, nays 0.

Attest:

Michael J. Beazley

Louis Escobar

Clerk of Council President of Council

Approved:

July 24, 2003

Jack M. Ford

Mayor

ORD. 485-03

Authorizing and directing the Mayor to expend \$22,274.66 from the General Fund for payment to the Lucas County Commissioners for Dog Warden services for the second quarter of 2003; authorizing the Mayor to enter into any necessary agreements to expend these funds which are available in the 2003 Operating Budget; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo has incurred costs from the Lucas County Commissioners for Dog Warden services. The estimate for 2nd quarter 2003 is \$22,274.66. There is funding available in the 2003 Operating Budget for these services. The City and County have agreed to make adjustments (credits and/or payments) each quarter based on the actual usage of the previous quarter. NOW, THEREFORE,

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

SECTION 1. That the Mayor be and he is hereby authorized and directed to expend funds in amounts not to exceed what is herein below listed, through June 30, 2003.

ORGANIZATION	PURPOSE	AMOUNT
01/8980/3749/000440	Dog Warden services	
(2nd qtr. 2003)		\$22,274.66

SECTION 2. That the Mayor be and he is hereby authorized to enter into any necessary agreements with the Lucas County Commissioners for the purposes listed, subject to terms and conditions deemed proper and requisite according to the Director of Law.

SECTION 3. That the Director of Finance be and he is hereby authorized and directed to draw his warrant or warrants against the accounting codes identified in Section 1 upon presentation of proper vouchers therefore. Such payments will include adjustments (credits and/or payments) for actual services provided.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that this Ordinance must be

immediately effective in order that payments for Dog Warden services can be made to Lucas County in a timely manner.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

ORD. 506-03

Providing for the continuation of the One-Stop-Shop project by authorizing the appropriation of \$130,000 of Capital Improvement Funds; the correction of certain account codes used in Ordinances 170-03 and 343-03; transfers and adjustments in the General Fund, the Data Processing Fund, and the Capital Improvement Fund; the adjustment for 2003 of certain personnel schedules; the expenditure of funds, and declaring an emergency.

SUMMARY & BACKGROUND:

In 2003 on two separate occasions, the Administration came forward with interim legislation on One-Stop-Shop. During this period a more comprehensive plan was developed that defined roles and responsibilities for the current vendor, user (Inspection), subject matter expert and implementer (Information Services), and facilitator (Administration and City Council). A buy-in process to the plan followed that culminated in a "contract" among the interested parties above-mentioned. This contract was the commitment of the parties to the successful completion of the "terms of the agreement". The "contract" was very clear of goals, objectives, timelines, personnel, and funding for the completion of the agreement, and the obligations of the various parties to the agreement.

As a result of this "contract", a plan now exists which charts One-Stop-Shop through December 31, 2003, and provides a clear road map to what should follow in 2004. The accompanying legislation not only provides funding through the end of this period, but also rationalizes and integrates the earlier above-mentioned legislation through June 30, 2003. Generally speaking, the project is no longer being viewed as a service effort by Information Services, but as a bond fide capital project, much like any other undertaken by the City whether in Public Utilities, Public Service, or Parks,

Recreation & Forestry, that is heavily dependent upon in-house personnel. NOW, THEREFORE,

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

SECTION 1. Adjusting the distribution within the 2002 Capital Improvement Computers allocation to provide an additional \$130,000 of funds to proceed with the One-Stop-Shop project.

SECTION 2. Appropriating \$130,000 from the unappropriated balance of the 2002 Capital Improvement Fund to Account Code 40-5630-CD2342 and 40-1750-CD2342 One-Stop-Shop.

SECTION 3. Correcting the account codes used in Section 3 of Ordinances 170-03 and 343-03 by adding Account Code 40-1750-CD2342 One-Stop-Shop.

SECTION 4. Authorizing various adjustments and transfers from the General Fund and the Data Processing Fund to the Capital Improvement Fund to properly record project costs.

SECTION 5. Authorizing the payment of salaries and fringes of certain administrative personnel from Data Processing and Inspection for the year 2003 from Account Code 40-5630-CD2342 and 40-1750-CD2342 One-Stop-Shop.

SECTION 6. Authorizing the payment on contracts necessary for the continuation of the One-Stop-Shop Project.

SECTION 7. Authorizing the transfers and expenditures of funds from Account Codes 40-5630-CD2342 and 40-1750-CD2342 One-Stop-Shop.

SECTION 8. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property, and for the further reason that improvements are necessary to the One-Stop-Shop System.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: August 1, 2003
Jack M. Ford
Mayor**

ORD. 542-03

Providing for the redemption of \$1,100,000 of the City's Adjustable Rate City Services Special Assessment Notes (Services 2002); and declaring an emergency.

SUMMARY & BACKGROUND:

The City issued \$16,100,000 of City Services Special Assessment Notes (Services 2002) in April, 2002 to provide the estimated amount required to provide certain of the City's Assessed Services programs in 2002. The actual costs of those programs has now been determined to be less than anticipated, and the amount of the outstanding Notes must be reduced by \$1,100,000 to reflect the lower costs. NOW, THEREFORE,

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

SECTION 1. This Council determines that it is necessary and in the best interest of the City to call for optional redemption \$1,100,000 of the City's \$9,700,000 of Adjustable Rate City Services Special Assessment Notes (Services 2002) dated April 11, 2002, which are stated to mature on December 1, 2004, at the earliest practicable date in accordance with Ordinance No. 150-02 passed on March 12, 2002, and the Trust Agreement dated as of April 1, 2002, between the City and National City Bank, as trustee (the Trustee). The Director of Finance is authorized and directed to give written notice to the Trustee of that call for redemption, and that \$1,100,000 of those Notes shall be redeemed in accordance with the provisions of Ordinance No.150-02 and that Trust Agreement. The Director of Finance is further authorized and directed to sign any certificates or other documents or instruments and to take further such actions as are necessary or appropriate to effect such redemption.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken, and that all deliberations of this Council and of any committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason that this ordinance is required to be effective immediately in order to permit the

timely redemption of Notes, and thereby reduce interest and other costs to the City and property owners; wherefore, this ordinance shall be in full force and effect immediately after its passage.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

ORD. 543-03

Levying special assessments for sprinkling, sweeping, cleaning and snow removal services for the municipal streets, alleys and public ways in the City during the calendar year 2002; and declaring an emergency.

SUMMARY & BACKGROUND

This is the annual Ordinance to provide authority to assess for the cost and expense of sprinkling, sweeping, cleaning and removing snow from municipal streets, alleys and public ways in the City of Toledo performed during the year ending December 31, 2002. The services described in Section 1 have been completed and the final cost of those services has been determined. NOW, THEREFORE,

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

SECTION 1. The revised special assessments for the cost and expense of providing sprinkling, sweeping, cleaning and snow removal services in the calendar year 2002 for the municipal streets, alleys and public ways in the City, pursuant to and as described in Ordinance No. 1003-01 passed December 11, 2001, amounting in the aggregate to (\$11,670,917) Eleven Million, Six Hundred Seventy Thousand, Nine Hundred and Seventeen Dollars which were filed in the office of the Clerk of Council on June 18,2003, and are now on file in his office, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands bounding and abutting upon those streets, alleys and public ways as provided in Ordinance No. 1003-01, in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and not in excess of any applicable limitation.

SECTION 2. The special assessment against each lot or parcel of land shall be payable in cash within 30 days after the passage of this Ordinance, or at the option of the owner in one annual installment (two semi-annual installments) with interest at the same rate as borne by the notes to be issued in anticipation of the collection of the special assessments. All cash payments shall be made to the Commissioner of Taxation and Treasury of this City. All special

assessments remaining unpaid at the expiration of those 30 days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

SECTION 3. The Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in his office the revised assessments.

SECTION 4. The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City and for the further reason that this Ordinance must be effective immediately to permit the timely sale of long-term notes to refund the outstanding notes issued in anticipation of the levy and collection of the special assessments; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage, or at the earliest time allowed by law.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

ORD. 544-03

Levying special assessments for the improvement of certain streets and public ways in the downtown area of the City by providing street lighting during the calendar year 2002, and declaring an emergency.

SUMMARY & BACKGROUND

This is the annual Ordinance to provide authority to assess for the cost and expense of street lighting in the City of Toledo for the Downtown District

for the year ending December 31, 2002. A new Downtown District was established by Resolution No. 15-82 adopted January 26, 1982. The services described in Section 1 have been completed and the final cost of those services has been determined. NOW, THEREFORE,

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

SECTION 1. The revised special assessments for the cost and expense of improving certain streets and other public ways in the Downtown Area of the City by providing street lighting during the calendar year 2002, pursuant to Ordinance No. 1001-01, passed December 11, 2001, amounting in the aggregate to (\$157,779) One Hundred Fifty-seven Thousand, Seven Hundred and Seventy-ninen Dollars, which were filed with the Clerk of Council on June 18, 2003, and are now on file in his office, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands bounding and abutting on the streets and public ways of this City described in Ordinance No. 1001-01 in the respective amounts set forth in the schedule of revised assessments on file, which assessments are in proportion to the special benefits and are not in excess of any applicable limitation.

SECTION 2. The special assessment against each lot or parcel of land shall be payable in cash within 30 days after the passage of this Ordinance, or at the option of the owner in one annual installment (two semi-annual installments) with interest at the same rate as borne by the notes to be issued in anticipation of the collection of the special assessments. All cash payments shall be made to the Commissioner of Taxation and Treasury of this City. All special assessments remaining unpaid at the expiration of those 30 days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

SECTION 3. The Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in his office the revised assessments.

SECTION 4. The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason that this Ordinance must be effective immediately to permit the timely sale of long-term notes to refund the outstanding notes issued in anticipation of the levy and collection of the special assessments; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage, or at the earliest time allowed by law.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 10, nays 1.

Attest

Michael J. Beazley **Louis Escobar**
Clerk of Council **President of Council**
Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 545-03

Levying special assessments for the improvement of certain streets, alleys and public ways outside of the downtown area of the City by providing street lighting during the calendar year 2002, and declaring an emergency.

SUMMARY & BACKGROUND:

This the annual Ordinance to provide authority to assess for the cost and expense of street lighting in the City of Toledo outside the Downtown District for the year ending December 31, 2002. The services described in Section 1 have been completed and the final cost of those services has been determined. NOW, THEREFORE,

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

SECTION 1. The revised special assessments for the cost and expense of improving certain streets, alleys and public ways located in the City but outside of the Downtown Area by providing street lighting during the calendar year 2002, pursuant to Ordinance No. 1002-01, passed December 11, 2001 amounting in the aggregate to (\$2,243,229) Two Million, Two Hundred Forty-three Thousand, Two Hundred and Twenty-nine Dollars, which were filed with the Clerk of Council June 18, 2003 and are now on file in his office, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands bounding and abutting on the streets, alleys and public ways of this City described in Ordinance No. 1002-01 in the respective amounts set forth in the schedule of revised assessments on file, which assessments are in proportion to the special benefits and are not in excess of any applicable limitation.

SECTION 2. The special assessment against each lot or parcel of land shall be payable in cash within 30 days after the passage of this Ordinance, or at the option of the owner in one annual installment (two semi-annual installments) with interest at the same rate as borne by the notes to be issued in anticipation of the collection of the special assessments. All cash payments shall be made to the Commissioner of Taxation and Treasury of this City. All special assessments remaining unpaid at the expiration of those 30 days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

SECTION 3. The Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in his office the revised assessments.

SECTION 4. The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason that this Ordinance must be effective immediately to permit the timely sale of long-term notes to refund the outstanding notes issued in anticipation of the levy and collection of the special assessments; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage, or at the earliest time permitted by law.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 10, nays 1.

Attest:

Michael J. Beazley **Louis Escobar**
Clerk of Council **President of Council**

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 546-03

Levying special assessments for

treating of the surface of certain municipal streets and public ways in the City during the calendar year 2002; and declaring an emergency.

SUMMARY & BACKGROUND:

This is the annual Ordinance to provide authority to assess for the cost and expense of treating the surface of certain municipal streets and public ways in the City of Toledo for the year ending December 31, 2002. The services described in Section 1 have been completed and the final cost of those services has been determined. NOW, THEREFORE,

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

SECTION 1. The revised special assessments for the cost and expense of treating, with a surface preservation substance, the surfaces of certain municipal streets and public ways in the City, pursuant to and as described in Ordinance No. 1000-01, passed December 11, 2001, amounting in the aggregate to (\$425,263) Four Hundred Twenty-five Thousand, Two Hundred and Sixty-three Dollars, which were filed with the Clerk of Council on June 18, 2003, and are on file in his office, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands bounding and abutting upon those streets and public ways as provided in Ordinance No. 1000-01 in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any applicable limitation.

SECTION 2. The special assessment against each lot or parcel of land shall be payable in cash within 30 days after the passage of this Ordinance, or at the option of the owner in one annual installment (two semi-annual installments) with interest at the same rate as borne by the notes to be issued in anticipation of the collection of the special assessments. All cash payments shall be made to the Commissioner of Taxation and Treasury of this City. All special assessments remaining unpaid at the expiration of those 30 days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

SECTION 3. The Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in his office the revised assessments.

SECTION 4. The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

SECTION 5. This Council finds and determines that all formal actions of this Council

concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City and for the further reason that this Ordinance must be effective immediately to permit the timely sale of long-term notes to refund the outstanding notes issued in anticipation of the levy and collection of the special assessments; wherefore, this Ordinance shall be in full force and effect from and after its passage, or at the earliest time allowed by law.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 10, nays 1.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

ORD. 547-03

Levying special assessments for controlling the blight and disease of shade trees within public rights-of-way and planting, maintaining, trimming and removing shade trees in and along the streets of the City during the calendar year 2002; and declaring an emergency.

SUMMARY & BACKGROUND:

This is the annual Ordinance to assess for the cost and expense of the removal and special treatment of shade trees and for controlling the blight and disease of shade trees within public rights-of-way as well as planting, maintaining and the trimming those trees for the year ending December 31, 2002. The services described in Section 1 have been completed and the final cost of those services has been determined. NOW, THEREFORE,

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

SECTION 1. The revised special assessments for the cost and expense of controlling the blight and disease of shade trees within public rights-of-way and planting, maintaining, trimming and removing shade trees in and along the streets of the City during the calendar year 2002, pursuant to Ordinance No. 999-01, passed December 11, 2001, amounting in the aggregate to (\$2,190,082) Two Million,

One Hundred Ninety Thousand, and Eighty-two Dollars, which were filed with the Clerk of Council on June 18, 2003 and are now on file in his office, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands bounding and abutting on each of the streets and public ways in the 2002 Toledo Forestry District created in Section 1 of Ordinance No. 999-01, pursuant to Section 727.011, Ohio Revised Code, in the respective amounts set forth in the schedule of revised assessments on file, which assessments are in proportion to the special benefits and are not in excess of any applicable limitation.

SECTION 2. The special assessment against each lot or parcel of land shall be payable in cash within 30 days after the passage of this Ordinance, or at the option of the owner in one annual installment (two semi-annual installments) with interest at the same rate as borne by the notes to be issued in anticipation of the collection of the special assessments. All cash payments shall be made to the Commissioner of Taxation and Treasury of this City. All special assessments remaining unpaid at the expiration of those 30 days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

SECTION 3. The Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in his office the revised assessments.

SECTION 4. The Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within 20 days after its passage.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason that this Ordinance must be effective immediately to permit the timely sale of log-term notes to refund the outstanding notes issued in anticipation of the levy and collection of the special assessments; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage, otherwise at the earliest time permitted by law.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 10, nays 1.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

ORD. 548-03

To specially assess upon the lots and lands described in the schedule herein referred to in order to pay the cost and expense for the year 2002 of cutting and destroying noxious weeds growing on such lots and lands in the City of Toledo; and declaring an emergency.

SUMMARY & BACKGROUND:

This is the annual Ordinance to assess to pay the cost and expense of cutting and destroying noxious weeds in the City of Toledo for the year ending December 31, 2002. The Council of the City of Toledo has heretofore enacted Ordinance No. 303-82 and caused to be cut and destroyed in the year 2002 thistles, wild lettuce, wild mustard, ragweed, milkweed and all other noxious weeds ("Noxious Weeds") growing on certain vacant lots and lands in the City of Toledo; said Ordinance further providing that the entire cost and expense connected with said cutting and destroying on each such lot or land shall be levied and assessed on such lot or land; and the Commissioner of Taxation and Treasury has filed with this Council a list of the assessments for such cutting and destroying and which list sets forth the amount to be assessed upon each such lot or land. NOW, THEREFORE;

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

SECTION 1. That to pay the cost and expense of cutting and destroying in the year 2002, noxious weeds on the lots and land identified in said list of assessments, there shall be assessed in one (1) installment on the tax list and duplicate for the year 2003 upon the lots and lands identified in said list of assessments, the several sums shown on the list of assessments prepared by the Commissioner of Taxation and Treasury and filed with this Council and set opposite the identification of the respective lots and lands to be so assessed against the same, which amounts and assessments are hereby confirmed and approved, and (ii) the amount so to be assessed against each such lot or land is the cost and expense of cutting and destroying in the year 2002 noxious weeds growing on such lot or land.

SECTION 2. That any owner of property assessed pursuant to this Ordinance may pay in cash his assessment in full, at the office of the City's Commissioner of Taxation and Treasury within thirty (30) days following passage of this Ordinance.

SECTION 3. That the Commissioner of Taxation and Treasury be and he is hereby directed to certify all of said assessments not paid in cash to the Auditor of Lucas County, Ohio, to be by him placed upon the tax list and duplicate of the said County for the year 2002 and assessed against said lots and lands respectively, to be collected in full at the same time and in the same manner as other taxes are collected.

SECTION 4. That the owners of said several lots and parcels of land shall pay the said sums so assessed against their said lots and lands respectively, to the Treasurer of Lucas County, Ohio, at the same time and in the same manner as other taxes are paid or be subject to the penalty and interest to be paid thereon as provided by law.

SECTION 5. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including those of Section 121.22, Ohio Revised Code.

SECTION 6. That this Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City and for the further reason that the immediate levy of the aforesaid assessments is necessary in order to enable the City to accept payment of such assessments in cash and thereafter certify the assessments not so paid to the County Auditor in time that such assessments will be placed on the 2003 tax list and duplicate and be available to the City at the earliest time so as to replace the monies advanced by the City for such cutting and destroying; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage, or at the earliest time allowed by law.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 10, nays 1.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

ORD. 556-03

Authorizing the Director of Law to proceed with the appropriation of a portion of the property located at 3336 Laskey Road, for the Laskey

Road road-widening project ("Laskey Road Phase I"); authorizing the expenditure and payment to the Lucas County Clerk of Courts in the amount of \$405; and declaring an emergency.

SUMMARY & BACKGROUND:

Resolution 486-03 declares the intent of the City of Toledo to appropriate a portion of the property located at 3336 Laskey Road, for Laskey Road Phase I. This project requires 39.22 square feet of property from the present owner, Stewart Aron. This appropriation is necessary because negotiations between the City and Mr. Aron have failed. A copy of Resolution 486-03 has been sent to Mr. Aron via regular U.S. mail as well as certified U.S. mail. It is the intent of Engineering Services to begin work immediately upon the filing of the Petition in Common Pleas Court, via "Quick-Take" procedures. NOW, THEREFORE,

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

SECTION 1. That the Director of Law is authorized to appropriate, in fee, the following portion of the real estate located 3336 Laskey Road (Parcel No. 3-WD), as more fully described below.

Being a parcel of land located in the Southeast Quarter of Section Number Seven (7), Township Number Nine (9) South, Range Number Seven (7) Easter of the Michigan Survey, County of Lucas, State of Ohio, and more fully described as follows:

Commencing at a monument in the Southeast corner of the Southeast Quarter of said Section Number Seven (7), said monument marking the intersection of centerlines for Secor Road and Laskey Road (both streets having varying width right-of-ways), said intersection having a Stationing of 62+80.00 on the centerline of Laskey Road, thence South 87°-31'-55" West on said centerline of Laskey Road for a distance of 354.48 feet, (Station 59+25.52); thence North 02°-28'-05" West a distance of 30.00 feet to a point on the North right-of-way of said Laskey Road and being the Place of Beginning for this description;

- 1) Thence North 00°-00'-00" East on the West property line of a parcel of land now or formerly in the name of Stewart H. Aron, Trustee for a distance of 7.78 feet to an angle point;
- 2) Thence North 86°-05'-59" East for a distance of 5.01 feet to an angle point;
- 3) Thence South 00°-00'-00" West for a distance of 7.91 feet to an angle point;
- 4) Thence South 87°-31'-55" West on said North right-of-way of Laskey Road for a

distance of 5.00 feet to the Place of Beginning for this description.

and containing an area of 39.22 square feet or 0.0009 acre of land, subject to all legal easements, leases and restrictions of record. Mr. Aron resides at 20265 Country Club Drive, Estero, FL 33928.

SECTION 2. That the Director of Law be and she is hereby authorized and directed to petition a court of proper jurisdiction to have a jury impaneled to inquire into and assess the compensation to be paid for the real estate described in Section 1 of this ordinance.

SECTION 3. Authorizing the expenditure not to exceed \$405 to the Lucas County Clerk of Courts from Account Code 40-3500-C06882 for the purpose of the appropriation of property necessary to complete Laskey Road Phase I.

SECTION 4. That the Director of Finance be and he is hereby authorized and directed to draw his warrant or warrants in payment of the obligations from the above listed account code in an amount not to exceed \$405 upon presentation of proper vouchers therefor.

SECTION 5. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property, and for the further reason that the completion of construction for Phase I will impact the matching federal funds for Phase II of this project.

Vote on emergency clause: yeas 11, nays 0. Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

ORD. 557-03

Authorizing the Director of Law to proceed with the appropriation of a portion of the property located at 5009 Secor Road, for the Laskey Road road-widening project ("Laskey Road Phase I"); authorizing the expenditure and payment to the Lucas County Clerk of Courts in the amount of \$65,000; and declaring an emergency.

SUMMARY & BACKGROUND:

Resolution 487-03 declares the intent of the City of Toledo to appropriate a portion of the property located at 5009 Secor Road, for Laskey Road Phase I. This project requires 4,312.67 square feet of property from the present owner, Family Video Movie Club, Incorporated. This appropriation is necessary because negotiations between the City and Family Video have failed. A copy of Resolution 487-03 has been sent to Family Video via regular U.S. mail as well as certified U.S. mail. It is the intent of Engineering Services to begin work immediately upon the filing of the Petition in Common Pleas Court, via "Quick-Take" procedures. NOW, THEREFORE,

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

SECTION 1. That the Director of Law is authorized to appropriate, in fee, a portion of the real estate located 5009 Secor Road (Parcel No. 23-36277), as more fully described below.

Being a parcel of land located in the Southeast Quarter of Section Number Seven (7), Township Number Nine (9) South, Range Number Seven (7) East of the Michigan Survey, County of Lucas, State of Ohio, and more fully described as follows:

Commencing at a monument in the Southeast corner of the Southeast Quarter of said Section Number Seven (7). Said monument marking the intersection of centerlines for Secor Road and Laskey Road (both streets having varying width right-of-ways), said intersection having a Stationing of 62+80.00 on the centerline of Laskey Road, Thence South 87° 31' 55" West on said centerline of Laskey Road for a distance of 204.34 feet, (Station 60+75.66); Thence North 02° 28' 05" West for a distance of 30.00 feet to a point on the North right-of-way of said Laskey Road and being the Place of Beginning for this description;

- 1) Thence North 00° 00' 00" East on the west property line of Parcel of land now or formerly in the name of Family Video Movie Club Incorporated ("Family Video) for a distance of 8.51 feet to an angle point;
- 2) Thence North 87° 31' 55" East for a distance of 93.52 feet to an angle point;
- 3) Thence North 65° 16' 21" West for a distance of 21.26 feet to an angle point;
- 4) Thence North 27° 10' 05" East for a distance of 85.64 feet to an angle point;
- 5) Thence North 13° 28' 25" East for a distance of 58.35 feet to an angle point on the west right-of-way of Secor Road;
- 6) Thence South 00° 00' 00" West on said right-of-way of Secor Road for a distance of 124.78 feet to an angle point;
- 7) Thence South 58° 50' 48" West for a distance of 46.74 feet to an angle point;

- 8) Thence South 87° 31' 55" West on said north right-of-way of Laskey Road for a distance of 125.56 feet to the Place of Beginning for this description;

and containing an area of 4,312.67 square feet or 0.0990 acre of land, subject to all legal easements, leases and restrictions of record. Family Video Corporate offices are located at 2500 Lehigh, Glenview, IL 60025.

SECTION 2. That the Director of Law be and she is hereby authorized and directed to petition a court of proper jurisdiction to have a jury impaneled to inquire into and assess the compensation to be paid for the real estate described in Section 1 of this ordinance.

SECTION 3. Authorizing the expenditure not to exceed \$65,000 to the Lucas County Clerk of Courts from Account Code 40-3500-C06882 for the purpose of the appropriation of property necessary to complete Laskey Road Phase I.

SECTION 4. That the Director of Finance be and he is hereby authorized and directed to draw his warrant or warrants in payment of the obligations from the above listed account code in an amount not to exceed \$65,000 upon presentation of proper vouchers therefor.

SECTION 5. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property, and for the further reason that the completion of construction for Phase I will impact the matching federal funds for Phase II of this project.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

Michael J. Beazley **Louis Escobar**
Clerk of Council **President of Council**

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 562-03

Authorizing the appropriation and operating transfer of \$350,000 from the unappropriated balance of the Storm Water Replacement Fund to the Storm Water Improvement Fund; authorizing the

appropriation and expenditure of \$350,000 from the unappropriated balance of the Storm Water Improvement Fund to complete the Shantee Creek Phase 1 & 2 Project; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo initiated a Storm Water Utility for the systematic improvement of the City's drainage systems. This ordinance will allow for the additional funding necessary for the completion of the improvements to Shantee Creek Phase 1 & 2, from Bowman Park to Lewis Avenue. Previous ordinances (614-00 and 357-01) provided for original funding for the design, acquisition of land, and construction. Additional funding is needed to pay for construction extras, including improvements to Bowman Park, and unforeseen under ground utilities. This improvement is part of a plan to improve the drainage and reduce flooding in the West Toledo portion of the City. NOW, THEREFORE,

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

SECTION 1. That the sum of \$350,000 is appropriated from the unappropriated balance of the Storm Water Replacement Fund into Account Code 7D-3500-S01011 (01STM Shantee Creek 1 & 2) and further authorizing the operating transfer of said amount to the Storm Water Improvement Fund 7B-3500-S01011.

SECTION 2. That the sum of \$350,000 is appropriated from the unappropriated balance of the Storm Water Utility Improvement Fund into Account Code 7B-3500-S01011 and further authorizing expenditure of same from Account Code 7B-3500-S01011.

SECTION 3. That the Finance Director be and he is hereby authorized and directed to issue his warrant or warrants against the above mentioned Account Codes in amounts not to exceed the amounts as authorized above in payment of the obligations hereinabove authorized upon presentation of proper voucher or vouchers therefore and the expenditure is hereby authorized.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective in order to permit the earliest possible improvement of a critical element in the City's drainage system.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

ORD. 565-03

Appropriating and expending \$2,500,000 from the unappropriated balance of the Sewer Bond Improvement Fund for the purpose of funding the 2003 work to be performed by Black & Veatch Ltd. of Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

The City entered into a contract with Black & Veatch Ltd. of Ohio on August 15, 2002 to provide program management and design services for the upgrade of wastewater treatment and sanitary sewer facilities specified in a Clean Water Act consent decree negotiated with the State of Ohio and the United States. The requested program management services extend for the fifteen year life of the consent decree while the design services cover the first five years. The cost of the services over the entire fifteen year contract term will not exceed \$35,290,166. The initial funding of the contract work appropriated by Ordinance Nos. 364-02 and 234-03 is nearly spent. This ordinance appropriates the amount of \$2,500,000 for the services to be rendered by Black & Veatch during 2003. NOW, THEREFORE,

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

SECTION 1. That the sum of \$2,500,000 is hereby appropriated, contingent upon the sale of sewer revenue bonds, from the unappropriated balance of the Sewer Bond Improvement Fund into Account Code 723600-C06117, and further that the said amount is authorized for expenditure from the authorized Account Code.

SECTION 2. That the Director of Finance be and he is hereby authorized and directed to draw his warrant or warrants against the above listed Account Code in payment of the obligations herein authorized upon presentation of proper vouchers therefor.

SECTION 3. That this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the City must

continue the engineering services required according to the schedule contained in the EPA consent decree.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

ORD. 572-03

Levying liens upon certain parcels of land within Lucas County for unpaid nuisance abatement charges; and declaring an emergency.

SUMMARY & BACKGROUND:

The Department of Economic and Community Development has abated a nuisance at 3111 Buckeye Street by demolishing a large vacant structure. The owner of the property has failed to pay for the costs of the demolition. Ohio Revised Code Section 715.261 and Toledo Municipal Code Section 1726.05 provides a method for establishing liens against real property for past due nuisance abatement charges. The Council of the City of Toledo must pass an Ordinance requesting that the Lucas County Auditor certify these accounts to the tax duplicates of the property. NOW, THEREFORE,

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

SECTION 1. That the City is vested with permissive authority under Ohio Revised Code Section 715.261 and Toledo Municipal Code Section 1726.05 to certify delinquent nuisance abatement charges to the County Auditor, the same to be placed upon the tax duplicate of the parcel for collection.

SECTION 2. That the following parcel has nuisance abatement charges certified against them:

That part of the southeast quarter (1/4) of the southwest quarter (1/4) of section 19, town 9 south, range 8 east, as shown on the Plat of McClean's Glassboro Addition, and also being part of vacated Knapp's Addition, all being in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Beginning at a concrete monument located at the intersection of the southerly line of Ketcham Avenue (66.0 feet wide) and the Easterly line of a public alley

(16.0 feet wide) and being also 114.0 feet (as measured along the Southerly line of said Ketcham Avenue) Easterly of its intersection with the Easterly line of Maher Street (66.0 feet wide); thence North 89° 57'00" East along the Southerly line of said Ketcham Avenue, a distance of 478.0 feet; thence South parallel with the Easterly line of said Maher Street, a distance of 150.0 feet; thence North 89° 57'00" East, a distance of 30.0 feet; thence North a distance of 14.0 feet to a point on the South line of said public alley (16.0 feet wide); thence North 89° 57'00" East along the South line of a public alley (16.0 feet wide), a distance of 346.25 feet to a point in the Westerly line of Buckeye Street (66.0 feet wide); thence South 00° 06' 00" West along the Westerly line of said Buckeye Street, a distance of 424.85 feet; thence North 89° 39' 00" West, parallel with the Northerly line of Central Avenue (66.0 feet wide) as shown on said Plat of McLean's Glassboro Addition, a distance of 340.4 feet to a point on the centerline of vacated "F" Street (6.0 feet wide) as shown on said Plat of Knapp's Addition now vacated; thence South 00° 06'00" West along the centerline of said "F" Street, a distance of 4.21 feet to its intersection with a line 90.0 feet South of and parallel with the South line of Martagon Avenue extended Easterly as shown on Plat of Knapp's Addition now vacated; thence South 89° 45'00" West parallel with the South line of said Martagon Avenue, a distance of 193.85 feet to a point; thence, North 00° 06' 00" East, a distance of 11.37 feet to its intersection with a line 156.0 feet North of and parallel with the Northerly line of Central Avenue; thence North 89° 39'00" West, a distance of 319.29 feet to a point on the East line of a public alley (16 feet wide); thence North along the Easterly line of said public alley, a distance of 549.76 feet to the point of beginning. Subject to legal highways.

Parcel Nos.	Amount:
10-05787	20,700.00
10-05817	20,700.00
10-05847	20,700.00

SECTION 3. That the existence of a perfected lien is hereby certified upon each of the aforementioned parcels for the corresponding amounts, plus costs, together with the allowable interest and penalties, pursuant to the Ohio Revised Code.

SECTION 4. That the Clerk of Council is hereby authorized and directed to cause a copy of this Ordinance to be served upon the Auditor of Lucas County, Ohio, who shall place the same upon the tax duplicate of said County, to be collected in the same manner as other taxes and assessments, together with all lawful interest and penalties, pursuant to the Ohio Revised Code.

SECTION 5. That this Ordinance hereby is declared to be an emergency measure, and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is

necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to ensure the efficient collection of nuisance abatement charges by the City of Toledo.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:
Michael J. Beazley **Louis Escobar**
Clerk of Council **President of Council**

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 577-03

Authorizing the waiving of fees, except the food service license fees, for the festival of Christ the King Church; and declaring an emergency.

WHEREAS, Christ the King Church is desirous of holding a festival on their own property; and

WHEREAS, the proceeds derived from said festival are to be used entirely for charitable Christ the King Church purposes; NOW, THEREFORE,

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

SECTION 1. That the fees, except the food service license fees, in connection with the festival of Christ the King Church being held on August 7, 8, 9, and 10, 2003, be and the same are hereby waived, provided however, that all necessary inspections be performed during normal working hours of City of Toledo inspectors.

SECTION 2. That by reason of the acceptance of the privileges herein granted, Christ the King Church agrees to save the City of Toledo harmless from any and all damages in connection with said privileges herein granted.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the ordinance must be immediately effective in order to allow the appropriate inspections to be made without charge so that the event can go forward on the scheduled dates.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:
Michael J. Beazley **Louis Escobar**
Clerk of Council **President of Council**

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 578-03

Authorizing the waiving of fees, except the food service license fees, for the 33rd annual Greek American Festival of Holy Trinity Greek Orthodox Cathedral; and declaring an emergency.

WHEREAS, Holy Trinity Greek Orthodox Cathedral is desirous of holding the 33rd annual Greek American Festival on their own property; and

WHEREAS, the proceeds derived from said festival are to be used entirely for charitable Holy Trinity Greek Orthodox Cathedral purposes; NOW, THEREFORE,

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

SECTION 1. That the fees, except the food service license fees, in connection with the 33rd annual Greek American Festival of Holy Trinity Greek Orthodox Cathedral being held on September 5, 6, and 7, 2003, be and the same are hereby waived, provided however, that all necessary inspections be performed during normal working hours of City of Toledo inspectors.

SECTION 2. That by reason of the acceptance of the privileges herein granted, Holy Trinity Greek Orthodox Cathedral agrees to save the City of Toledo harmless from any and all damages in connection with said privileges herein granted.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the ordinance must be immediately effective in order to allow the appropriate inspections to be made without charge so that the event can go forward on the scheduled dates.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:
Michael J. Beazley **Louis Escobar**
Clerk of Council **President of Council**

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 579-03

Amending the Approved 2003 CIP Plan by reducing the allocation for Downtown Incentives by \$81,000.00 and adding the Erie Street Market project; authorizing the appropriation and expenditure of funds; authorizing the Mayor to enter into a professional service agreement with Market Ventures, Inc. for the purposes of designing improvements to the Erie Street Market including exterior and interior redesign, site and parking plans; and declaring an emergency.

SUMMARY & BACKGROUND:

In an effort to enhance the economic viability of the Erie Street Market the City of Toledo desires assistance in designing certain improvements to the Market including exterior and interior redesign, site plans, and parking plans. Market Ventures, Inc. of Portland Maine is a planning and design firm that specializes in public markets. NOW, THEREFORE,

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

SECTION 1. That the Approved 2003 CIP Plan is amended by reducing the allocation for Downtown Incentives by \$81,000.00.

SECTION 2. That the Approved 2003 CIP Plan is amended by adding the Erie Street Market project in the amount of \$81,000.00.

SECTION 3. That \$81,000.00 is appropriated from the Capital Improvements Funds into Account Code 40-1640-C00983 (Erie Street Market) for the purposes of entering into a professional service agreement with Market Ventures, Inc.

SECTION 4. That the Mayor and the Director of Economic and Community Development is hereby authorized to enter into a professional service agreement with Market Ventures, Inc. of Portland, Maine for the purposes of designing improvements to the Erie Street Market including

exterior and interior redesign, operations, site and parking plans.

SECTION 5. That the Mayor is authorized to expend \$81,000.00 from Account Code 40-1640-C00983 to provide payment for the above named agreement.

SECTION 6. That the Director of Finance is authorized to draw his warrant or warrants against the above account in payment of the obligations authorized hereunder upon presentation of a proper voucher or vouchers therefor in a cumulative amount of \$81,000.00.

SECTION 7. That this ordinance is hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective in order commence the redesign work at the Erie Street Market.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:
Michael J. Beazley **Louis Escobar**
Clerk of Council **President of Council**

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 581-03

Authorizing the waiving of fees, except the food service license fees, for the festival of Blessed Sacrament Parish; and declaring an emergency.

WHEREAS, Blessed Sacrament Parish is desirous of holding a festival at the DeVeaux Village Shopping Center; and

WHEREAS, the proceeds derived from said festival are to be used entirely for charitable Blessed Sacrament Parish purposes; NOW, THEREFORE,

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

SECTION 1. That the fees, except the food service license fees, in connection with the festival of Blessed Sacrament Parish, being held on August 14, 15, 16, and 17, 2003 be and the same are hereby waived, provided however, that all necessary

inspections be performed during normal working hours of City of Toledo inspectors.

SECTION 2. That by reason of the acceptance of the privileges herein granted, Blessed Sacrament Parish, agrees to save the City of Toledo harmless from any and all damages in connection with said privileges herein granted.

SECTION 3. That this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to allow the appropriate inspections to be made without charge so that the event can go forward on the scheduled dates.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:
Michael J. Beazley **Louis Escobar**
Clerk of Council **President of Council**

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 582-03

Granting permission to hold festival sales within the public right-of-way; close segments of roadways; prohibit parking; utilize the public right-of-way for various festival activities waiving of inspection fees, except the food service license fees in conjunction with the Birmingham Ethnic Festival; and declaring an emergency.

SUMMARY & BACKGROUND:

The Birmingham Festival Committee has requested permission to utilize the public right-of-way and certain streets for festival activities associated with the Birmingham Ethnic Festival on Saturday, August 16, 2003 and Sunday, August 17, 2003. NOW, THEREFORE,

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

SECTION 1. That subject to the conditions hereinafter set forth, the Birmingham Festival Committee is hereby granted permission to only:

A. Conduct festival activities on Consaul Street from Front Street to Woodford Street on Saturday, August 16, 2003 between 7:00 p.m. and 8:00 p.m.

B. Eliminate parking and conduct festival sales and activities on Sunday, August 17, 2003 between 7:00 a.m. and 10:00 p.m. within the public right-of-way of the following streets:

1. Consaul Street from Front Street to Woodford
2. Bakewell Street from Consaul Street to Bogar
3. Bogar Street from Bakewell Street to Caledonia Street
4. Caledonia Street from Consaul Street to Bogar
5. Esther Street from Front Street to Burr
6. Burr Street from Esther Street to Consaul

SECTION 2. That the permission granted in Section 1 of this Ordinance is subject to the full compliance with the following terms and conditions:

A. The manner of use shall not obstruct or create a hazard to persons using the public right-of-way.

B. Displays and booths shall be located within the public right-of-way on the closed segments of streets to permit movement of emergency vehicles over said roadway.

C. Sidewalks shall not be obstructed by booths or displays within the festival area.

D. Representatives of the Birmingham Ethnic Festival Committee shall take down and store behind the curbs various road barricades and signs used for the closures at the end of activities on Saturday, August 16, and Sunday, August 17, 2003.

SECTION 3. That by acceptance of the privileges herein granted, the said Birmingham Ethnic Festival Committee agrees to utilize the said public right-of-way in full compliance with the conditions herein contained, agrees to maintain said right-of-way in a safe manner and condition, agrees to restore the premises to the original condition upon termination of the period such use herein granted; and further agrees to save the City harmless from any and all claims and liability for injury and/or property which may arise by the reason of the aforesaid uses.

SECTION 4. That the Department of Public Service is hereby authorized and directed to expend the necessary funds and services, to provide suitable roadway delineation and barricades, where necessary for the proposed road closures on Sunday, August 17, 2003.

SECTION 5. That the inspection fees, except the food service license fees and banner fees, in conjunction with said festival being held on private

property and in the public right-of-way be and the same are hereby waived, provided, however, that all necessary inspections be performed during the normal working hours of the City of Toledo inspectors.

SECTION 6. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that this Ordinance must be immediately effective in order to permit holding of the Birmingham Ethnic Festival.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

Michael J. Beazley
Clerk of Council

Louis Escobar
President of Council

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 583-03

Authorizing the appropriation and expenditure of \$1,000.00 from the Toledo CityParks Fund to Toledo-Lucas County Police Athletic League (PAL); authorizing the Mayor to enter into any necessary agreements to expend said funds; and declaring an emergency.

SUMMARY & BACKGROUND:

By Ordinance 295-91, the City established and funded the Toledo CityParks Fund, Fund 89. It is within the power of City Council to grant to the applicants funding up to ninety percent (90%) of the interest earnings on the principal for the year 2003. City Council has determined that this proposal merits consideration. NOW, THEREFORE,

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

SECTION 1. That the amount of \$1,000.00 be and the same is hereby appropriated from the unappropriated balance of the Toledo CityParks Fund into Account Code 89-0100-5890-112001.

SECTION 2. That the Mayor be and he is hereby authorized and directed to expend said funds to Toledo-Lucas County Police Athletic League (PAL).

SECTION 3. That the Mayor be and he is hereby authorized and directed to enter into any necessary agreements with the organization hereinabove listed, said agreements will be subject to terms and conditions deemed proper and requisite by the Director of Law.

SECTION 4. That the sum so appropriated shall be used by the said organization for the purpose of providing programming as outlined in their funding request. Said organization shall make requests for payment by presenting to Toledo City Council reasonably specific documentation of said expenses.

SECTION 5. That in carrying out its activities hereunder, said organization shall act as an independent contractor and will carry liability insurance in such amounts and with such companies as required by the City's Risk Manager and shall cause the City to be named a co-insured under any such policy or policies. Said organization shall indemnify, save harmless and defend the City, its officials, officers and employees from and against any loss or damage sustained or incurred because of or by reason of any and all claims, demands, suits, actions, judgments, and executions for damages of any and every kind and by whomever and whenever made or obtained, allegedly caused by, arising out of or relating in any manner to the acts or operations of the organization, its officers, trustees, agents and employees.

SECTION 6. That the Finance Director be and he is hereby authorized and directed to draw his warrant or warrants against the above listed Account Code in payment of the obligation hereinabove authorized upon presentation of the proper voucher or vouchers therefor.

SECTION 7. That this ordinance hereby is declared to be an emergency and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property, and for the further reason that the organization can continue to provide programs for the youth in our community.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:
Michael J. Beazley **Louis Escobar**
Clerk of Council **President of Council**

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 584-03

Amending the 2003 Approved Operating Budget by adding the position of Director of Public Safety; eliminating two positions of 1 - Police Records Clerk 1 - Fire Inspector, and declaring an emergency.

Summary & Background:

The Charter of the City of Toledo provides for the position of Director of Public Safety. The Chief Operating Officer of the City of Toledo has for a number of years assumed the responsibilities. The Public Safety Budget of the City of Toledo is the City's single largest program. The creation of a full time Public Safety Director helps assure that all of the cost intensive programs included in the Public Safety Budget will better receive the ongoing monitoring they deserve. It will facilitate better control over costs, and facilitate better management of the entire program. The position was not funded in the 2003 Operating Budget, and to be able to provide funding for it, two positions that are funded and vacant are being taken out of the Position Control of the General Fund Budget. These positions are 1 - Police Records Clerk and 1 - Fire Inspector and the savings generated by the elimination of these positions will provide adequate budget to fund the position of Safety Director.

While as a part of the 2004 Budget Process the Organizational Hierarchy of Public Safety will change as a result of this addition, at this time it is proposed that the position be provided for in the Mayor's Organization. NOW, THEREFORE,

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

SECTION 1. That the following position be and is hereby authorized and funded in Accounting Code 01-0200-181001 as an amendment to the 2003 Approved General Fund Budget.

1.0 Director of Public Safety

SECTION 2. That the following positions be eliminated from the authorized funded positions in the 2003 Approved General Fund Budget in 01-5200-381002 and 01-5300-341002 respectively.

1.0 Police Records Clerks
1.0 Fire Inspector

SECTION 3. That the funding for the eliminated positions in Section 2 remain in the 2003 Approved General Fund Budget, to provide for the newly created Position of Director of Public Safety.

SECTION 4. That the Director of Finance be and is hereby authorized and directed to draw his warrants against the appropriation hereinabove set for upon presentation of proper vouchers therefore.

SECTION 5. That this Ordinance, being an emergency measure, shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, and all the other

benefits accruing from the addition of the position of Director of Public Safety.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford**

Mayor

ORD. 585-03

Authorizing the Mayor and the Commissioner of Purchasing to take formal and/or informal bids and after due advertising according to law award contracts for various contractual services, building improvements and/or maintenance for the Division of Streets, Bridges, and Harbor, authorizing the expenditure of funds from the Assessed Services Fund and SCM&R Fund necessary for contractual services, building improvements and/or maintenance; and declaring an emergency.

SUMMARY & BACKGROUND:

Various contractual services, building improvements, and/or maintenance are required for routine operation of the Division of Streets, Bridges, and Harbor, which are reoccurring and expected. To eliminate the need for separate legislation for such items, it is deemed efficient to combine the requirements of this division into one Ordinance. The funding of these items is set forth in the 2003 operating budget. NOW, THEREFORE,

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

SECTION 1. That the Mayor and the Commissioner of Purchasing be and they are hereby authorized and directed to take formal and/or informal bids and after due advertising according to law, award contracts for various contractual services, building improvements and/or maintenance as listed below, herein that are deemed necessary by the Commissioner of the Division of Streets, Bridges, and Harbor within available funds, upon a proper requisition from the accounting codes detailed below. Said contractual services, improvements and maintenance contracts may also include an option to renew for one (1) year after appropriate authorization:

Fd/Org	Sub-Program	Acct	Description	Amount
142310	411001	3741	Contractual Services	\$38,000
142310	411001	3890	Recycling/Disposal of Concrete	\$35,000
702310	509	3890	And asphalt	\$12,000
142310	411001	4220	Major bldg. improvements	\$19,000
142310	431001	4220	Major bldg. improvements	\$13,000
502310	422001	4220	Major bldg. improvements (Structural repairs to salt barn and rusted purlins at 1189 W. Central cold bay area – Phase II)	\$98,000
TOTAL				\$215,000

SECTION 2. That the Finance Director be and he is hereby authorized and directed to draw his warrant or warrants against the proper accounting codes in payment of the obligations hereinabove authorized upon presentation of the proper voucher or vouchers therefore.

SECTION 3. That this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this ordinance must be immediately effective in order to permit the Division of Streets, Bridges and Harbor to contract for services, building improvements and maintenance to deliver services to the public in a timely manner.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

ORD. 586-03

Amending the 2003 CIP Program by reducing the allocation for the Landfill Gas Flare and reallocating same to Methane Wells; authorizing the appropriation of \$277,366.00 from the unappropriated balance of the Capital Improvements Fund; further authorizing the Mayor and Commissioner of Purchases and Supplies to enter into a contract with EarthTech, Incorporated for expansion of the Landfill Gas

Collection System at the Hoffman Road Landfill; further authorizing the expenditure of funds; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo Hoffman Road Landfill is required by USEPA and Ohio EPA regulations to prevent the migration of landfill gas from the site, and to maintain the landfill gas extraction system. Testing of gas sample probes over the past several months have indicated that landfill gas is migrating underground away from the footprint of the landfill, presenting a potential explosive hazard. In addition, one of the landfill gas extraction wells is silted in and must be replaced by regulation. Expansion will also increase the quantity of available gas for use as power at Toledo Water Reclamation. EarthTech, Incorporated was awarded a contract for landfill gas system monitoring, operations, and maintenance via Ord. No. 465-02 on June 18, 2002. Funds are available from the Approved 2003 CIP Budget for expansion of the landfill gas system. NOW, THEREFORE,

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

SECTION 1. Amending the 2003 CIP Program by reducing the allocation for the Landfill Gas Flare by \$2,366.00 and by reallocating same to Methane Wells

SECTION 2. Authorizing the appropriation of \$277,366.00 from the unappropriated balance of the Capital Improvements Fund to Account Code 40-2450-CB0893 (Methane Wells).

SECTION 3. That the Mayor be and he is hereby directed and authorized to award contracts to EarthTech, Incorporated to provide various materials, labor, and professional services to design and install additional landfill gas extraction system components necessary to control landfill gas migration and maintain compliance with USEPA and Ohio EPA regulations. Further authorizing an expenditure in an amount not to exceed \$277,366.00 from the 2003 CIP Code 40-2450-CB0893.

SECTION 4. That the Finance Director be and he is hereby authorized and directed to draw his warrant or warrants against the accounting code identified in Section 3 above in payment of the obligations hereinabove authorized upon presentation of the proper voucher or vouchers therefore.

SECTION 5. That this ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property, and for the further reason of protection of the environment and compliance with environmental regulations.

Vote on emergency clause: yeas 10, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 10, nays 0.

Attest:

Michael J. Beazley
Clerk of Council

Louis Escobar
President of Council

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 588-03

Authorizing the Mayor and Director of Affirmative Action / Purchases and Supplies to enter into an agreement with Unisys Corporation for preventive and remedial maintenance of the NDP500; authorizing the expenditure of an amount not to exceed \$15,000.00 from the Utilities Administration Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

The Division of Utilities Administration is solely dependent upon the Unisys NDP500 cash processing equipment for the daily processing of water/sewer/storm water payments. This equipment is critical to the daily operations of the Division of Utilities Administration for revenue generating activity. The Division of Utilities Administration requires periodic maintenance on the Unisys NDP500 cash processing equipment. This equipment is unique in nature and this uniqueness precludes the ability to acquire maintenance from a vendor other than the manufacturer. NOW, THEREFORE,

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

SECTION 1. That the Mayor and Director of Affirmative Action / Purchases and Supplies be hereby authorized and directed to enter into a maintenance agreement with Unisys Corporation in an amount not to exceed \$15,000 for preventive and remedial maintenance; and further authorizing the expenditure of same from Account Code 783100-000524.

SECTION 2. That the Mayor and Director of Affirmative Action / Purchases and Supplies be and they are hereby authorized to waive the competitive bidding process as required under Chapter 187.06 of the Toledo Municipal Code for items that are deemed to be single or sole source services and enter into an agreement after successfully negotiating price and terms with the supplier.

SECTION 3. That the Finance Director be and is hereby authorized and directed to draw his warrant or warrants from Account Code 783100-000524 in payment of the obligation hereinabove upon presentation of proper voucher or vouchers in an amount not to exceed \$15,000.00.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact the same is necessary for the immediate preservation of the public peace, health, safety and property and is essential to producing revenue for the Division of Utilities Administration and for the further reason that this Ordinance must be immediately effective in order to continue the daily operations of Utilities Administration.

Vote on emergency clause: yeas 10, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 10, nays 0.

Attest:

Michael J. Beazley
Clerk of Council

Louis Escobar
President of Council

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 597-03

Authorizing the Mayor and Commissioner of Purchasing to purchase equipment for the Division of Parks and Forestry after solicitation of formal and/or informal bids according to law; authorizing the appropriation and expenditure of funds in an amount not to exceed \$230,000 from FY2003 Capital Replacement Fund (Fund 87); and declaring an emergency.

SUMMARY & BACKGROUND:

The Division of Parks and Forestry is responsible for maintaining 110,000 trees in the public right of way. A review of the condition of Forestry equipment indicates that there are many pieces that are beyond their economic useful life and should be replaced. Funds have been made available within the approved 2003 Capital Replacement fund (Fund 87) for this purpose. NOW, THEREFORE,

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

SECTION 1. That the sum of \$230,000 be and the same is hereby appropriated from the unappropriated balance of the Capital Replacement Fund (Fund 87) to Account Code 87-2500-MS0301.

SECTION 2. That the Mayor and the Commissioner of Purchasing be and they are directed and authorized to take formal and/or informal bids according to the terms prescribed by the Director of Law and award and enter into contracts for the purchase of equipment for the Division of Parks and Forestry.

SECTION 3. That the expenditure in an amount not to exceed \$230,000 from Account Code 87-2500-MS0301 is hereby authorized.

SECTION 4. That the Director of Finance be and he is hereby authorized and directed to draw his warrant or warrants against account code 87-2500-MS0301 in an amount not to exceed \$230,000 upon presentation of the proper voucher or vouchers thereof.

SECTION 5. That this ordinance, being an emergency measure shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that the ordinance is necessary for the immediate preservation of the public health, safety and welfare and for the further reason to ensure that the Division of Parks and Forestry fleet is replaced in an orderly fashion.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

Michael J. Beazley
Clerk of Council

Louis Escobar
President of Council

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 598-03

Authorizing the Mayor to procure accident insurance for 1 year, for the Toledo Municipal Court, Community Service Probation Program (TMC-CSPP); authorizing the expenditure not to exceed \$11,139.00; and declaring an emergency.

SUMMARY & BACKGROUND:

Pursuant to the Ohio Revised Code, and based on the discretion of the sentencing judge, a defendant sentenced to the TMC-CSPP can be charged a reasonable fee to defray excess accident insurance costs procured by the City, to cover accidents that may occur within the scope of work assigned in the CSPP.

In event of injury to participants, this coverage provides for death, dismemberment or loss of sight and medical indemnity subject to scheduled limits.

The insurance also covers costs incurred by local medical providers for their services where no other medical insurance is available. The underwriter for the policy is AIG, and the exclusive agent for this coverage is Brooks Insurance. This is an excess insurance policy that is available in the event the injured has no health insurance or the injured's health insurance is exhausted. The anniversary date of this coverage is July 1, 2003 12:01 a.m. NOW, THEREFORE,

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

SECTION 1. That the Mayor is hereby authorized to pay premium for TMC-CSPP accident insurance upon presentation of an invoice in an amount not to exceed Eleven Thousand One Hundred Thirty-Nine Dollars and 00/100 (\$11,139.00) from account code 95-1410-3755-STD-STD-157001.

SECTION 2. That the Director of Finance is hereby authorized to draw his warrant or warrants against Accounting Code 95-1410-3755-STD-STD-157001 in payment of the obligation hereinabove authorized the amount not to exceed Eleven Thousand One Hundred Thirty-Nine Dollars and 00/100 (\$11,139.00) upon presentation of an invoice.

SECTION 3. That this ordinance is hereby declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this ordinance is necessary to provide accident insurance in connection with CSPP administered by the Toledo Municipal Court.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

ORD. 599-03Error! Bookmark not defined.

Approving a minor change to the previously approved Community Unit Plan granted by Ordinance No. 624-00, to increase the number of condominium units from 20 to 24 for the property located at 940 and 970 Miami Street, Toledo, Ohio, and waiving the maximum 40% impervious site coverage requirement; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

An application for a minor change to a previously approved Community Unit Plan (CUP-3008-00) was filed with the City of Toledo Central Permit Center. The proposed minor change to the Community Unit Plan granted by Ordinance No. 624-00 is to increase the number of condominium units from 20 to 24 for the property located at 940 and 970 Miami Street, Toledo, Ohio, including a waiver of the maximum 40% impervious site coverage requirement. The proposed minor change was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 12, 2003, the Toledo City Plan Commission considered and approved the minor change to the previously approved Community Unit Plan, subject to certain conditions, and all things required by law to be done, have been done. NOW, THEREFORE,

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

SECTION 1. That a minor change to the previously approved Community Unit Plan granted by Ordinance No. 624-00 to increase the number of condominium units from twenty (20) to twenty-four (24) for the property located at 940 and 970 Miami Street, Toledo, Ohio, and a waiver of the maximum 40% impervious site coverage requirement, be and the same are hereby approved, subject to certain conditions contained in Section 2 hereof which must be complied with, for property more fully described as follows:

**LEGAL DESCRIPTION
MIAMI**

A parcel of land situated along the Westerly side of Lot 18 of the Subdivision of River Tracts 86 and 87 in the 12 Mile Reserve at the foot of the rapids of the Miami of Lake Erie, and Fractional Sections 1 and 12, Town 10 South, Range 7 East, City of Toledo, Lucas County, Ohio, also being referenced as Parcel 2 described in a Warranty Deed recorded in Deed Record 87 235E05 of the deed records of the Lucas County Recorder and including a vacated Westerly part of Miami Street, said parcel being more particularly described as follows:

Commencing at the Southwest corner of Lot 7 of the Subdivision of Fractional Sections 1 and 12 and River Tracts 86 and 87, said point of commencement also being referenced as being South 00° 55' 35" East, a distance of 1,372.15 feet of the point of intersection of the centerline of Yondota Street with the centerline of Navarre Avenue, said point of intersection also being the Northwest corner of Lot 7 and the Northeast corner of Lot 18;

thence North 00° 55' 00" West, on the West line of Lot 7 and on the East line of Lot 18 (also being

on the Southerly extension of the centerline of Yondota Street), a distance of 12.80 feet to an iron pin found;

thence North 81° 54' 16" West, on a line being the Southerly line of a 5.00 acre parcel of land previously known as the "Stave Factory Yard," and the Northerly line of land belonging to the Consolidated Rail Corporation, a distance of 342.37 feet to an iron pin set at a point of intersection with the West right-of-way line of Miami Street, said iron pin being the **TRUE POINT OF BEGINNING** of the parcel herein described; thence continuing North 81° 54' 16" West, on the Southerly line of the "Stave Factory Yard," and the Northerly line of land belonging to the Consolidated Rail Corporation, a distance of 94.63 feet (previously referenced as 96.74 feet, more or less) to an iron pin set at the Southwest corner of the "Steve Factory Yard";

thence North 83° 49' 50" West, a distance of 40.04 feet (previously referenced as 58.63 feet, more or less) to a point of intersection with the East harbor line of the Maumee River as established by the Secretary of War, March 19, 1996;

thence North 06° 10' 10" East, on said harbor line, and on a line being normal to the previously described harbor line, a distance of 26.33 feet (previously referenced as 32.07 feet, more or less) to a point of deflection, said point of deflection being referenced as harbor Line Point Union;

thence North 13° 47' 41" West, on said harbor line, a distance of 1.039.87 feet (previously described as 1,038.40 feet, more or less) to a point being South 13° 47' 41" East of harbor line point Navarre;

thence North 76° 12' 19" East, on the North line of the parcel of land described as Parcel 2, Deed Record 87 235E05, a measured distance of 116.33 feet (previously described as 120.47 feet) to an iron pin found;

thence North 73° 15' 48" East, continuing on the Northerly line of Parcel 1, Deed Record 87 235E05, a measured and recorded distance of 70.22 feet to an iron pin found at a point of intersection with the Southwesterly line of the 100.00 foot wide Consolidated Rail Corporation railroad right-of-way;

thence Southeasterly, on the Easterly line of Parcel 1, Deed Record 87 235E05, and on the Southwesterly right-of-way line of the Consolidated Rail Corporation and along a curve to the left, said curve having a radius of 2,914.93 feet, a central angle of 00° 48' 11", an arc length of 40.85 feet, a chord bearing of South 29° 39' 09" East, and a chord length of 40.85 feet to an iron pin set at the point of intersection with the relocated Westerly right-of-way line of Miami Street;

thence South 11° 10' 22" East, on the relocated Westerly right-of-way line of Miami Street, a distance of 803.48 feet to an iron pin set;

thence continuing Southeasterly, on the relocated Westerly right-of-way line of Miami Street, and along a curve to the right, said curve having a radius of 1,160.00 feet, a central angle of 10° 11' 08", an arc length of 206.21 feet, a chord bearing of South 06° 03' 10" East, and a chord length of 205.94 feet to an iron pin set;

thence South 00° 54' 36" East, continuing on the relocated Westerly right-of-way line of Miami Street, a distance of 74.64 feet to the **TRUE POINT OF BEGINNING** of the parcel herein described, containing 4.314 acres of land, more or less, subject to all easements, and zoning restrictions of record.

The bearings used herein are for the purpose of describing angles only and are not referenced to true or magnetic North.

The property included in said change is located at 940 and 970 Miami Street, Toledo, Ohio.

SECTION 2. That approval of the minor change to a previously approved Community Unit Plan in Section 1 is contingent upon compliance with the following conditions:

The conditions listed hereinafter are organized by agency of origination. Inquiries about the conditions listed are to be directed to their respective agencies.

Division of Transportation

1. A four-foot (4') wide barrier-free sidewalk shall be constructed on all frontages abutting the public right-of-way in accordance with the requirements of the Toledo Municipal Code unless other arrangements are made by Engineering Services.
2. The overall circulation of the drives and parking areas appear to be confusing. The two-way flow at the south Drive presents a potential risk of creating an accident/conflict zone. We recommend that the one-way flow be continued to the exit at Miami Street.
3. Appropriate one-way signage shall be installed to direct traffic.
4. Proposed curb openings shall require Administrative approval from the Commissioner of Transportation.

Division of Engineering Services

5. It is recommended that the developers of Starboard Side Subdivision be required to extend an 8 inch water main from Navarre Avenue and Chesbrough Street by way of Miami Street to

serve the plat.

6. Water and sewer service facilities on the site shall be privately owned and maintained.

7. Storm drainage service for this site is available subject to: the Criteria and Regulations of The Departments of Public Utilities and Public Service, the Toledo Municipal Code, including but not limited to Chapters 941, 1169, and 1165, the Toledo City Charter, the "Subdivision Rules & Regulations" of Toledo-Lucas County Plan Commissions dated 1983, and "The Comprehensive Ditch Plan." Developments over five acres must obtain Ohio EPA permit.

8. A detailed site grading plan for this project will be submitted for approval. The plan will show the adjacent topography and grades for the land abutting the proposed development for a distance of approximately one hundred feet (100') from the development boundaries.

9. The development will be designed with an internal storm water drainage system based on the standard detention design.

10. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

11. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.

12. The new sewer will be privately owned and maintained.

13. Developer shall be responsible for meeting requirements of the Ohio EPA anti-degradation policy.

Sewer & Drainage Services Division

14. For operation and maintenance purposes, a full width easement along the existing Interceptor Sewer shall be retained for City use within the existing right-of-way of Miami Street, which is also along the route of the realigned street. City access to the easement area shall not be denied by fences, walls, trees, shrubs, or other barriers of any type. The easement shall state that no temporary or permanent structure (excluding parking lot pavement), including barriers denying access, may be constructed within the easement area.

15. For operation and maintenance purposes, 20 foot wide drain easements for City use shall be retained along both existing storm drains used as outfalls for the existing Miami Street drainage catch basins. Each easement shall be centered on the centerline of the respective existing storm drain.

City access to the easement areas shall not be denied by fences, walls, or other barriers. The easements shall state that no temporary or permanent structure (excluding parking lot pavement), including barriers denying access, may be constructed within the easement areas.

16. Any new access manhole into the existing main eastside 60 inch interceptor sewer (along Miami Street) shall be a reinforced concrete chamber or other design approved by the Division of Public Utilities. The interceptor is constructed with vitrified clay tiles as an inside wall lining. Extreme care and caution must be taken not to damage the integrate of this composite pipe structure. The proposed manhole/chamber plans shall be forwarded to the Sewer & Drainage Services Division for review and comment before final sanitary subdivision plans are sent for approval through the normal review process and before any construction.

Fire Prevention

17. Fire department access shall be maintained with an 18' fire lane.

18. Fire hydrants required not more than 300' away from complex (units).

Plan Commission

19. No less than ten (10) percent of the net parcel acreage shall be allocated to consolidated common green space and/or recreation areas. New drawings indicating the correct coverage must be submitted prior to final approval.

20. No more than forty (40) percent of the gross parcel acreage shall be covered by impervious surface, including buildings, pavement, roadways, and sidewalks. New drawings indicating the correct coverage must be submitted prior to final approval.

21. The Community Unit Plan shall be platted.

22. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:

a. Shade trees and other plantings along the perimeter of and within any parking areas at a ratio of one tree for thirty (30) lineal feet of lot perimeter;

b. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained;

c. The location, height and materials for any fencing to be installed and maintained;

d. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and

e. The location, lighting and size of any signs.

23. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year.

24. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.

25. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. That all conditions and provisions set forth in Ordinance No. 624-00, except as they may be modified herein, shall remain in full force and effect.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

**ORD. 600-03
Changing the zoning
maps attached to Part 11,
Planning and Zoning, Toledo
Municipal Code, for the property**

**located at 20 Garden Lake
Boulevard, in the City of Toledo,
Lucas County, Ohio, subject to
the recording of a Commercial
Plat; and declaring an
emergency.**

SUMMARY & BACKGROUND:

An application (Z-4001-03) for a proposed change in zoning for the property located at 20 Garden Lake Boulevard, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 12, 2003, said matter was considered by the Toledo City Plan Commission and the request for a zone change from "R-2" Single Family Residential to "C-2" Restricted Office Commercial District, for the property located at 20 Garden Lake Boulevard, Toledo, Ohio, was approved, and all things required by law to be done, have been done. NOW, THEREFORE,

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

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised, subject to the recording of a Commercial Plat, by changing the zone districts of that part of the City of Toledo more fully described as follows:

Lucas County Senior Citizens Complex Plat 1, lot 5

to be changed from "R-2" to "C-2" District.

The property included in said change is located at 20 Garden Lake Boulevard, Toledo, Ohio.

SECTION 2. That the Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

Michael J. Beazley
Clerk of Council

Louis Escobar
President of Council

Approved: July 24, 2003
Jack M. Ford
Mayor

ORD. 601-03

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5523-5525 Secor Road, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

An application (Z-4002-03) for a proposed change in zoning for the property located at 5523-5525 Secor Road, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 12, 2003, said matter was considered by the Toledo City Plan Commission and the request for a zone change from "M-1" Restricted Industry and "R-2" Single Family Residential to "C-3" Commercial District, for the property located at 5523-5525 Secor Road, Toledo, Ohio, was approved, and all things required by law to be done, have been done. NOW, THEREFORE,

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

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised, by changing the zone districts of that part of the City of Toledo more fully described as follows:

5523-5525 Secor Road

Parcel 1: Lot number sixteen (16) in KETCHAM'S SUBURBAN PLACE, an Addition in the City of Toledo, Lucas County, Ohio, in accordance with Volume 20 of Plats, page 19, subject to legal highways.

Parcel 2: The South eighty (80) feet of Lot number fifteen (15) in KETCHAM'S SUBURBAN PLACE, a Subdivision in the City of Toledo, Lucas County, Ohio, in accordance with Volume 20 of Plats, page 19, subject to legal highways.

Parcel 3: The North one hundred twenty (120) feet of the West four hundred (400) feet of Lot number fifteen (15) in KETCHAM'S SUBURBAN PLACE, a Subdivision in the City of Toledo, Lucas

County, Ohio, in accordance with Volume 20 of Plats, page 19.

to be changed from "M-1" and "R-2" to "C-3" District.

The property included in said change is located at 5523-5525 Secor Road, Toledo, Ohio.

SECTION 2. That the Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

Michael J. Beazley
Clerk of Council

Louis Escobar
President of Council

Approved: July 28, 2003
Jack M. Ford
Mayor

ORD. 602-03

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5535 Secor Road, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

An application (Z-4003-03) for a proposed change in zoning for the property located at 5535 Secor Road, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 12, 2003, said matter was considered by the Toledo City Plan Commission and the request for a zone change from "M-1" Restricted Industry to "C-3" Commercial District, for the property located at 5535 Secor Road, Toledo, Ohio, was approved, and all things required by law to be done, have been done. NOW, THEREFORE,

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

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised, by changing the zone districts of that part of the City of Toledo more fully described as follows:

5535 Secor Road

Parcel 4: The South sixty (60) feet of the north one hundred twenty (120) feet of lot number 15 in KETCHAM'S SUBURBAN PLACE, a SUBDIVISION in the CITY OF TOLEDO, LUCAS COUNTY, OHIO, excepting therefrom the westerly four hundred (400) feet thereof.

Subject to a perpetual easement for public highway and road purposes granted to the State of Ohio recorded April 17, 1956 in Volume 1617 of Deeds, page 289.

to be changed from "M-1" to "C-3" District.

The property included in said change is located at 5535 Secor Road, Toledo, Ohio.

SECTION 2. That the Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

RES. 575-03

Recognizing USS Toledo and Navy League of the United States.

WHEREAS, the Commanding officer and seven members of the crew of the nuclear

submarine USS Toledo are welcomed to the City of Toledo, Ohio; and

WHEREAS, the TOLEDO is a Los Angeles-class fast attack submarine armed with Tomahawk cruise missile, on hand to deploy from their home port of Groton, Connecticut at a moments notice in support of United States Security; and

WHEREAS, the USS Toledo recently returned from two operations in the Mediterranean and Red Sea theaters in support of Operation Enduring Freedom and most recently Operation Iraqi Freedom; and

WHEREAS, the USS Toledo is a fast attack nuclear powered submarine, built by the Newport News Shipbuilding and Drydock Company from 1991-1993, the boat is 360 feet long, with a 33 foot beam and displaces 6900 tons when submerged, operating at depths greater than 800 feet; and

WHEREAS, TOLEDO has a complement of 18 officers and 125 enlisted men, and currently under the strong command of CDR Michel T. Poirier; NOW, THEREFORE,

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

SECTION 1. That the City of Toledo is pleased and honored to have USS Toledo and it's crew representing the Navy League of the United States and the security this vessel brings to all Proud Americans.

SECTION 2. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted: July 22, 2003: yeas 10, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

RES. 576-03

Recognizing Korean War Veterans on the 50th Anniversary of the Korean War Armistice.

WHEREAS, fifty years ago on July 27, 1953, North Korea, China and the United States signed an armistice ending three years of military conflict; and

WHEREAS, the conflict that began on June 25, 1950 killed as many as three million soldiers and civilians from the Koreans, China and the twenty-one United Nations countries that fought in South Korea to repel an invasion by North Korea; and

WHEREAS, the United States of America sent her young men and women to war in Korea supporting democracy throughout the world and those servicemen and women witnessed over ninety thousand injuries with over fifty-four thousand people sacrificing their lives for their country; and

WHEREAS, today we offer thanks and tribute to our fellow Americans both living and deceased who answered the call to duty in the Korean War; NOW, THEREFORE,

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

SECTION 1. That Korean War Veterans are hereby commended for their dedication and commitment made serving the United States during the Korean War and their sacrifice will continue to provide the people of the United States a clear understanding and appreciation of the lessons and history of the Korean War.

SECTION 2. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted: July 22, 2003: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 26, 2003
Jack M. Ford
Mayor**

RES. 604-03

Submitting to the Toledo Plan Commission a proposal to change the zoning in force for Residential portions of Clayton Street and portions of Broadway, in the City of Toledo, from Industrial Zoning to an appropriate Residential classification, authorizing a public hearing on said proposed zoning change and publication of said hearing; and declaring an emergency.

WHEREAS, certain homeowners of Clayton Street, and portions of Broadway have expressed their desire to the City Council to request that Council change the zoning in force in the Subdivision from Industrial to appropriate Residential; and the residents have contacted the Plan Commission to express their concerns with and difficulties faced due to the current zoning; and

WHEREAS, the area has always been utilized in a residential manner and not in the manufacturing and industrial manner in which it is zoned; NOW THEREFORE,

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

SECTION 1. That the portions of Clayton Street and Broadway; requesting the change is more fully described as follows:

- 207 Broadway St. Olivers Division 187 NE 10 FT & SW 20 FT 188
- 209 Broadway St. Olivers Division 187 SW 30 FT

SECTION 2. That the proposed zoning change on Clayton Street, and Broadway from Industrial and Manufacturing to Residential, is hereby referred to the Toledo Plan Commission for its review, recommendation and appropriate hearing date. That a public hearing upon a proposed ordinance to effectuate the above described change shall be held in the Council Chambers at One Government Center, and the Clerk of Council is hereby authorized and directed to give notice of the time and place of said hearing in the manner required by the law.

SECTION 3. That this resolution hereby is declared to be an emergency measure and shall take effect and be in force immediately from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that this resolution must be immediately effective so that the zone change can be expeditiously completed to more accurately reflect the current residential nature of the area.

Vote on emergency clause: yeas 11, nays 0.

Adopted: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

RES. 605-03

Submitting to the Toledo Plan Commission a proposal to change the zoning in force for

Residential portions of Williams Street, portions of Broadway, in the City of Toledo, from Industrial Zoning to an appropriate Residential classification, authorizing a public hearing on said proposed zoning change and publication of said hearing; and declaring an emergency.

WHEREAS, certain homeowners of Williams Street, and portions of Broadway have expressed their desire to the City Council to request that Council change the zoning in force in the Subdivision from Industrial to appropriate Residential; and the residents have contacted the Plan Commission to express their concerns with and difficulties faced due to the current zoning; and

WHEREAS, the area has always been utilized in a residential manner and not in the manufacturing and industrial manner in which it is zoned; NOW THEREFORE,

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

SECTION 1. That the portions of Williams Street and Broadway; requesting the change is more fully described as follows:

305 Broadway St. Olivers Division Lot 288
301 Broadway St. Olivers Division Lot 289

SECTION 2. That the proposed zoning change on Wade Street, Emerald and Broadway from Industrial and Manufacturing to Residential, is hereby referred to the Toledo Plan Commission for its review, recommendation and appropriate hearing date. That a public hearing upon a proposed ordinance to effectuate the above described change shall be held in the Council Chambers at One Government Center, and the Clerk of Council is hereby authorized and directed to give notice of the time and place of said hearing in the manner required by the law.

SECTION 3. That this resolution hereby is declared to be an emergency measure and shall take effect and be in force immediately from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that this resolution must be immediately effective so that the zone change can be expeditiously completed to more accurately reflect the current residential nature of the area.

Vote on emergency clause: yeas 11, nays 0.

Adopted: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford**

Mayor

RES. 606-03

Submitting to the Toledo Plan Commission a proposal to change the zoning in force for Residential portions of Wade Street, Emerald, Newton and portions of Broadway, in the City of Toledo, from Industrial Zoning to an appropriate Residential classification, authorizing a public hearing on said proposed zoning change and publication of said hearing; and declaring an emergency.

WHEREAS, certain homeowners of Wade Street, Emerald, Newton and Broadway have expressed their desire to the City Council to request that Council change the zoning in force in the Subdivision from Industrial to appropriate Residential; and the residents have contacted the Plan Commission to express their concerns with and difficulties faced due to the current zoning; and

WHEREAS, the area has always been utilized in a residential manner and not in the manufacturing and industrial manner in which it is zoned; NOW, THEREFORE,

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

SECTION 1. That the portions of Wade Street, Emerald, Newton and Broadway; requesting the change is more fully described as follows:

525 Broadway St. Olivers Division 619 SW 25 FT
523 Broadway St. Olivers Division 619 NE 25 FT
523 Emerald Ave. Olivers Division 618 SW 20 FT & NE 4 FT 616
528 Emerald Ave Olivers Division 618 NE 30 FT EXC PT IN STREET
520 Emerald Ave Olivers Division 620 EXC S PT STREET
514 Wade St Olivers Division LOT 622
510 Wade St Olivers Division 624 SW 26 FT
508 Wade St Olivers Division 624 NE 24 FT & SW 2 FT SE 75 FT 626
201 Newton St Olivers Division 626 NE 48 FT SE 75 FT
205 Newton St Olivers Division 626 SE 28 FT NW 75 FT
207 Newton St Olivers Division 626 NW 47 FT

SECTION 2. That the proposed zoning change on Wade Street, Emerald, Newton and Broadway from Industrial and Manufacturing to Residential, is hereby referred to the Toledo Plan Commission for its review, recommendation and appropriate hearing date. That a public hearing upon a proposed ordinance to effectuate the above described change shall be held in the Council

Chambers at One Government Center, and the Clerk of Council is hereby authorized and directed to give notice of the time and place of said hearing in the manner required by the law.

SECTION 3. That this resolution hereby is declared to be an emergency measure and shall take effect and be in force immediately from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that this resolution must be immediately effective so that the zone change can be expeditiously completed to more accurately reflect the current residential nature of the area.

Vote on emergency clause: yeas 11, nays 0.

Adopted: July 22, 2003, as an emergency measure: yeas 11, nays 0.

Attest:

**Michael J. Beazley
Clerk of Council**

**Louis Escobar
President of Council**

**Approved: July 24, 2003
Jack M. Ford
Mayor**

Notice to Bidder

CONSTRUCTION

**EAST TOLEDO FAMILY CENTER
NEW DRIVEWAY
RESURFACING OF PARKING LOTS**

Ordinance No. 380-03

Sealed bids will be received at the Purchasing office, 19th Floor, One Government Center, Suite 1970, Toledo, Ohio, 43604, until 2:00 p.m. (local time): TUESDAY, AUGUST 19, 2003, for the Division of Facility Operations, Department of Public Service.

A pre-bid conference will be held on Tuesday, August 12, 2003, beginning at 9:30 a.m. at the site, the East Toledo Family Center, 1020 Varland Ave., Toledo, Ohio 43605.

A Bidder's Bond, or a certified, official, or cashier's check on a solvent bank, payable to the City of Toledo, in the amount of 5% of the total amount of the bid, as a guarantee that if the bid is accepted, a contract will be entered into, is to accompany the bid.

All bids must be made on the Bid Form which with specifications, etc., may be obtained upon application at the Purchasing office.

General questions pertaining to the availability of the specifications or any other general information may be directed to the Purchasing Division, Carol Landin, at (419) 245-1155. Technical questions regarding the specifications should be directed to the Project Manager, Terry Kinsey, Facilities Operations at (419) 936-2526.

Note: The City of Toledo has a goal oriented MBE program that specifies a 12.3% MBE goal in construction contracts and 7% MBE goal in professional services, goods, and supply contracts. These goals apply to prime contracts as well as subcontracts over \$10,000.00. Bidders are expected to make a good faith effort to locate and solicit bids from MBE concerns for subcontracted activity.

If you need any assistance with this program, please contact Anita Lopez, at (419) 245-1198.

8/2, 8/9

**PAINTING – COLD BAYS
STREETS, BRIDGES AND HARBOR BUILDING
1189 W. CENTRAL AVE.**

Ordinance No. 356-02

Sealed bids will be received at the Purchasing office, 19th Floor, One Government Center, Suite 1970, Toledo, Ohio, 43604, until 2:00 p.m. (local time): TUESDAY, AUGUST 12, 2003, for the Division of Facility Operations, Department of Public Service.

A pre-bid conference will be held on Tuesday, August 5, 2003 beginning at 9:30 a.m. at the site, Streets, Bridges & Harbor, 1189 W. Central Ave., Toledo, Ohio 43610.

A Bidder's Bond, or a certified, official, or cashier's check on a solvent bank, payable to the City of Toledo, in the amount of 5% of the total amount of the bid, as a guarantee that if the bid is accepted, a contract will be entered into, is to accompany the bid.

All bids must be made on the Bid Form, which with specifications, etc., may be obtained upon application at the Purchasing office.

General questions pertaining to the availability of the specifications or any other general information may be directed to the Purchasing Division, Carol Landin, at (419) 245-1155. Technical questions regarding the specifications should be directed to the Project Manager, Facility Operations, Dale Raczkowski at (419) 936-2550.

Note: The City of Toledo has a goal oriented MBE program that specifies a 12.3% MBE goal in construction contracts and 7% MBE goal in professional services, goods, and supply contracts. These goals apply to prime contracts as well as subcontracts over \$10,000.00. Bidders are expected to make a good faith effort to locate and solicit bids from MBE concerns for subcontracted activity.

If you need any assistance with this program, please contact Anita Lopez, at (419) 245-1198.

8/2

**TOLEDO WATERWAYS INITIATIVE
POINT PLACE SSO ELIMINATION PHASE II
SEWER NO. 1928, 290TH STREET FORCE MAIN**

Sealed bids will be received at the Purchasing office, 19th Floor, One Government Center, Suite 1970, Toledo, Ohio, 43604, until 2:00 p.m. (local time): TUESDAY, AUGUST 12, 2003, for the Division of Engineering Services, Department of Public Utilities.

A pre-bid conference will be held on Tuesday, July 29, 2003 beginning at 1:30 p.m. at the Division of Engineering Services, One Lake Erie Center, 600 Jefferson Ave., Suite 300, Toledo, Ohio 43604.

A Bidder's Bond, or a certified, official, or cashier's check on a solvent bank, payable to the City of Toledo, in the amount of 5% of the total amount of the bid, as a guarantee that if the bid is accepted, a contract will be entered into, is to accompany the bid.

Copies of plans and specifications may be viewed only at the City of Toledo, Purchasing office, One Government Center, Suite 1970, 19th floor **and** at the Office of the Engineer, Tetra Tech Professional Services, Inc., 420 Madison Ave., Toledo, Ohio 43604. All bids must be made on the Bid Form which with specifications, etc., may be obtained at application at **City Blue Print, 2010 Madison Ave., Toledo, Ohio 43624**. Contact person at City Blue Print is Richard Nagy at Phone: (419) 243-7271 or Fax: (419) 243-6418. Office hours there are Monday through Friday, 8:00 a.m. – 4:30 p.m. A **\$55.00 non-refundable** deposit is required for bid plans and specifications. **Checks should be made payable to "City Blue Print of Toledo"** for each set of bidding documents.

General questions pertaining to the availability of the specifications or any other general information may be directed to the Purchasing Division, Carol Landin, at (419) 245-1155. Technical questions regarding the specifications should be directed to the Project Manager, Engineering Services, Lorie Bialy at (419) 245-3221.

Note: The City of Toledo has a goal oriented MBE program that specifies a 12.3% MBE goal in construction contracts and 7% MBE goal in professional services, goods, and supply contracts. These goals apply to prime contracts as well as subcontracts over \$10,000.00. Bidders are expected to make a good faith effort to locate and solicit bids from MBE concerns for subcontracted activity.

If you need any assistance with this program, please contact Anita Lopez, at (419) 245-1198.

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**TOLEDO WATERWAYS INITIATIVE
POINT PLACE SSO ELIMINATION PHASE II
POINT PLACE 290TH ST. PUMP STATION**

Sealed bids will be received at the Purchasing office, 19th Floor, One Government Center, Suite 1970, Toledo, Ohio, 43604, until 2:00 p.m. (local time): TUESDAY, AUGUST 19, 2003, for the Division of Engineering Services, Department of Public Utilities.

A pre-bid conference will be held on Thursday, July 31, 2003, beginning at 1:00 p.m. at the Bayview Waste Water Treatment Plant, 3900 N. Summit St., Toledo, Ohio 43611.

A Bidder's Bond, or a certified, official, or cashier's check on a solvent bank, payable to the City of Toledo,

in the amount of 5% of the total amount of the bid, as a guarantee that if the bid is accepted, a contract will be entered into, is to accompany the bid.

Copies of plans and specifications may be **viewed only** at the City of Toledo, Purchasing office, One Government Center, Suite 1970, 19th floor, **and** at the Office of the Engineer, Tetra Tech Professional Services, Inc., 420 Madison Ave., Toledo, Ohio 43604. All bids must be made on the Bid Form which with specifications, etc., may be obtained upon application at **City Blue Print, 2010 Madison Ave., Toledo, Ohio 43624**. Contact person at City Blue Print is Richard Nagy at Phone: (419) 243-7271 or Fax: (419) 243-6418. Office hours there are Monday through Friday, 8:00 a.m.- 4:30 p.m. A **\$100.00 non-refundable** deposit is required for bid plans and specifications. **Checks should be made payable to "City Blue Print of Toledo"** for each set of bidding documents.

General questions pertaining to the availability of the specifications or any other general information may be directed to the Purchasing Division, Carol Landin, at (419) 245-1155. Technical questions regarding the specifications should be directed to the Project Manager, Engineering Services, Lorie Bialy at (419) 245-3221.

Note: The City of Toledo has a goal oriented MBE program that specifies a 12.3% MBE goal in construction contracts and 7% MBE goal in professional services, goods, and supply contracts. These goals apply to prime contracts as well as subcontracts over \$10,000.00. Bidders are expected to make a good faith effort to locate and solicit bids from MBE concerns for subcontracted activity.

If you need any assistance with this program, please contact Anita Lopez, at (419) 245-1198.

8/2, 8/9

PROPOSALS

MARINA DISTRICT DEVELOPMENT

Sealed proposals will be received at the Purchasing office, 19th Floor, One Government Center, Suite 1970, Toledo, Ohio, 43604, until 2:00 p.m. (local time): FRIDAY, AUGUST 29, 2003, for the Mayor's office.

All proposals must be made on the Proposal Form, which with specifications, etc., may be obtained upon application at the Purchasing office.

General questions pertaining to the availability of the specifications or any other general information may be directed to the Purchasing Division, Carol Landin, at (419) 245-1155. Technical questions regarding the specifications should be directed to the Assistant Chief Operating Officer, Mayor's Office, John Loftus at (419) 245-1001.

Note: The City of Toledo has a goal oriented MBE program that specifies a 12.3% MBE goal in construction contracts and 7% MBE goal in professional services, goods, and supply contracts. These goals apply to prime contracts as well as subcontracts over \$10,000.00. Bidders are expected to make a good faith effort to locate and solicit bids from MBE concerns for subcontracted activity.

If you need any assistance with this program, please contact Anita Lopez, at (419) 245-1198.

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SERVICES

GEOTECHNICAL MATERIAL TESTING SERVICES

Sealed bids will be received at the Purchasing office, 19th Floor, One Government Center, Suite 1970, Toledo, Ohio, 43604, until 2:00 p.m. (local time): TUESDAY, AUGUST 19, 2003, for the Division of Engineering Services, Department of Public Utilities.

A Bidder's Bond, or a certified, official, or cashier's check on a solvent bank, payable to the City of Toledo, in the amount of \$1,000.00, as a guarantee that if the bid is accepted, a contract will be entered into, is to accompany the bid.

All bids must be made on the Bid Form which with specifications, etc., may be obtained upon application at the Purchasing office.

General questions pertaining to the availability of the specifications or any other general information may be directed to the Purchasing Division, Carol Landin, at (419) 245-1155. Technical questions regarding the specifications should be directed to the Project Manager, Gary Krasniewski, Engineering Services at (419) 245-1346.

Note: The City of Toledo has a goal oriented MBE program that specifies a 12.3% MBE goal in construction contracts and 7% MBE goal in professional services, goods, and supply contracts. These goals apply to prime contracts as well as subcontracts over \$10,000.00. Bidders are expected to make a good faith effort to locate and solicit bids from MBE concerns for subcontracted activity.

If you need any assistance with this program, please contact Anita Lopez, at (419) 245-1198.

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