

The City Record

Official Publication of the Council of the City of Cleveland



May the Thirty-First, Two Thousand and Six

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

Ward	Name
1	Nina Turner
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Nina Turner.....	16204 Sunny Glen Avenue	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson.....	2948 Hampton Road	44120
5	Phyllis E. Cleveland.....	2369 East 36th Street	44105
6	Patricia J. Britt.....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	Sabra Pierce Scott.....	1136 East 98th Street	44108
9	Kevin Conwell.....	10647 Ashbury Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Anthony Brancatelli.....	6924 Ottawa Road	44105
13	Joe Cimperman.....	3053 West 12th Street	44113
14	Joseph Santiago.....	3169 West 14th Street	44109
15	Brian J. Cummins.....	3104 Mapledale Avenue	44109
16	Kevin J. Kelley.....	6608 Woodhaven Avenue	44144
17	Matthew Zone.....	1228 West 69th Street	44102
18	Jay Westbrook.....	1278 West 103rd Street	44102
19	Dona Brady.....	1272 West Boulevard	44102
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111

City Clerk, Clerk of Council – Emily Lipovan, 216 City Hall, 664–2840
 First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Tracy Y. Martin, Executive Assistant to the Mayor, Chief of Education
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
 Michael A. House, Executive Assistant to the Mayor, Press Secretary
 Debra Linn Talley, Director, Office of Equal Opportunity

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Counsel, Rm. 106
 Karen E. Martinez, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;
 Frank Badalamenti, Manager, Internal Audit

DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – Algeron Walker, Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue
 Purchases and Supplies – James E. Hardy, Commissioner, Room 128
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Julius Ciaccia, Interim Director, 1201 Lakeside Avenue

DIVISIONS – 1201 Lakeside Avenue
 Cleveland Public Power – James F. Majer, Commissioner
 Street Lighting Bureau – _____, Acting Chief
 Utilities Fiscal Control – Dennis Nichols, Commissioner
 Water – John Christopher Nielson, Commissioner
 Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – John Mok, Interim Director

Cleveland Hopkins International Airport, 5300 Riverside Drive
 Burke Lakefront Airport – Khalid Bahhur, Commissioner
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113

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

DEPT. OF PUBLIC HEALTH – Matt Carroll, Interim Director, Mural Building, 1925 St. Clair Ave.

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
 Correction – Robert Tasky, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
 Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230

DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
 Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
 Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director

Cleveland Convention Center, Clubroom A, 1220 East 6th Street
 DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
 Public Auditorium, East 6th Street and Lakeside Avenue
 Parking Facilities – _____, Commissioner
 Public Auditorium, East 6th Street and Lakeside Avenue
 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Public Auditorium – East 6th Street and Lakeside Avenue
 Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
 Recreation – Kim Johnson, Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
 Burke Lakefront Airport

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

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Interim Director, Room 500
 DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
 Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Trudy Hutchinson, Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director; Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Brian J. Cummins, Councilman Joe Santiago, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec’y; _____, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members; John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President; Finance Director _____, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director _____, Law Director Robert J. Triozzi; Councilman _____.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities Director _____; Council President Martin J. Sweeney.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Council Member Joe Cimperman.

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connally, Hillary S. Taylor.

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

FAIR HOUSING BOARD – Charles See, Chair; _____, Vice Chair; Daniel Conway, Doris Honsa, Lisa Camacho.

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

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

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley; Councilman Nina Turner.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel Whalen, Nancy Cronin, Elvin Vauss.

CLEVELAND LANDMARKS COMMISSION – Room 519 – India Pierce Lee, Chair; Laura M. Noble, Vice Chair; Robert Brown, Thomas Coffey, Jennifer Coleman, Lee, Michael Rastatter, Jr., John Torres, Ari Maron, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles Patton, Jr.	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Michael Ryan	12A
Judge Angela R. Stokes	15C
Judge Joan Synenberg	13C
Judge Pauline H. Tarver	12C
Judge Joseph J. Zone	14D

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

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CITY COUNCIL

MONDAY, MAY 29, 2006

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EMILY LIPOVAN

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chair; White, Vice Chair; Brancatelli, Cummins, Kelley, Polensek, Turner.

9:30 A.M. — **Health & Human Services Committee:** Britt, Chair; Cleveland, Vice Chair; Conwell, Kelley, Reed, Santiago, Westbrook.

11:00 A.M. — **Public Service Committee:** Brady, Chair; Turner, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, White.

11:00 A.M. — **Legislation Committee:** Cleveland, Chair; Dolan, Vice Chair; Cimperman, Lewis, Pierce Scott, Reed, White.

MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Pierce Scott, Chair; Brancatelli, Vice Chair; Brady, Cimperman, Cummins, Coats, Lewis, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chair; Santiago, Vice Chair; Brancatelli, Coats, Conwell, Johnson, Turner.

WEDNESDAY—Alternating

10:00 A.M. — **Aviation & Transportation Committee:** Kelley, Chair; Westbrook, Vice Chair; Brancatelli, Britt, Cleveland, Dolan, Turner.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Brady, Vice Chair; Britt, Coats, Cummins, Kelley, Polensek, Santiago, Turner.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Zone, Chair; Reed, Vice Chair; Cleveland, Cummins, Dolan, Kelley, Polensek, Santiago, Westbrook.

1:30 P.M. — **City Planning Committee:** Cimperman, Chair, Westbrook, Vice Chair, Conwell, Dolan, Lewis, Reed, Zone.

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

Rules Committee: Sweeney, Chair; Cleveland, Kelley, Pierce Scott, Polensek.

Personnel and Operations Committee: Sweeney, Chair; Britt, Kelley, Pierce Scott, Santiago, Westbrook, White.

Mayor's Appointment Committee: Coats, Chair; Pierce Scott, Kelley, Sweeney, Westbrook.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

The following measure will be on its final passage at the next meeting:

ORDINANCE

Ord. No. 578-06.

By Mayor Jackson.

An emergency ordinance authorizing the Mayor to enter an agreement with the City of Independence for the purpose of sharing the income tax revenue to be paid by players and coaches of the Cleveland Cavaliers as a result of the relocation of the team's practice facilities to a new complex to be located in Independence, Ohio.

Whereas, the Cleveland Cavaliers have announced plans to relocate the team's practice facilities to a new complex to be located in the City of Independence; and

Whereas, the Mayors of Cleveland and Independence have announced their intention to work cooperatively when business enterprises relocate from one city to the other city; and

Whereas, the Mayors intend to share the future municipal tax revenue collected from the income of Cavaliers players and coaches that is currently taxed by the City of Cleveland, including but not limited to salaries, wages, payroll, bonuses and incentive payments ("salaries, wages and bonuses"); and

Whereas, in furtherance of this spirit of cooperation, the Mayors have proposed that the two cities equally share the municipal income tax revenue to be paid on the salaries, wages and bonuses of the players and coaches of the Cleveland Cavaliers upon the operation of a practice facility for the Cleveland Cavaliers in Independence; and

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

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

Section 1. That the Mayor is authorized to enter into an agreement with the City of Independence for the purpose of equally sharing the income tax revenue to be paid on the salaries, wages and bonuses of the players and coaches of the Cleveland Cavaliers upon the operation of a practice facility for the Cleveland Cavaliers in Independence, provided that the agreement will be renegotiated if the Cavaliers move their financial, accounting, sales, marketing, or executive business staffs to the new practice facility.

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

BOARD OF CONTROL

May 24, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 24, 2006, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Director Triozzi, Acting Interim Director

O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Absent: Directors Dumas and Guzman.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

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

Resolution No. 192-06.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of May, 2006 in the amount of \$5,027.17, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.

Absent: Directors Dumas and Guzman.

Resolution No. 193-06.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Amerada Hess Corporation, except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of natural gas, all items for the various divisions of City government, for the period of one year beginning with the date of execution of a contract with one option to renew for an additional one-year period, received on May 11, 2006 under the authority of Ordinance No. 297-06, passed April 19, 2006, which on the basis of the estimated quantity would amount to \$3,608,985.80, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 118761

which shall be certified against the contract in the sum of \$180,449.29.

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

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw,

Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.

Absent: Directors Dumas and Guzman.

Resolution No. 194-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Concord Road Equipment Mfg., Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, items 7, 9, and 13, for the various divisions, Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on February 1, 2006, under the authority of Ordinance No. 1873-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$94,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160407

which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.

Absent: Directors Dumas and Guzman.

Resolution No. 195-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Custom Clutch, Joint & Hydraulics, Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, item 8, for the various divisions, Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on February 1, 2006, under the authority of Ordinance No. 1873-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$20,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160406

which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.

Absent: Directors Dumas and Guzman.

Resolution No. 196-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Fall Line Corporation, for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, item 4, for the various divisions, Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on February 1, 2006, under the authority of Ordinance No. 1873-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$20,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160410

which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.

Absent: Directors Dumas and Guzman.

Resolution No. 197-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Lakefront Automotive Parts, Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, items 1 and 31 for the various divisions, Department of Port Control, for a period not to exceed one year beginning with the

date of execution of a contract, received on February 1, 2006, under the authority of Ordinance No. 1873-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$220,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160412

which shall be certified against the contract in the sum of \$20,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.

Absent: Directors Dumas and Guzman.

Resolution No. 198-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Oshkosh Truck Corporation, for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, item 5, for the various divisions, Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on February 1, 2006, under the authority of Ordinance No. 1873-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$40,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160409

which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.

Absent: Directors Dumas and Guzman.

Resolution No. 199-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Page Equipment, for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, item 12, for the various divisions, Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on February 1, 2006, under the authority of Ordinance No. 1873-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$30,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160403

which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.

Absent: Directors Dumas and Guzman.

Resolution No. 200-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Southeastern Equipment Co., Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, item 11, for the various divisions, Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on February 1, 2006, under the authority of Ordinance No. 1873-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$30,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160404

which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.

Absent: Directors Dumas and Guzman.

Resolution No. 201-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of United Rotary Brush Corporation, for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, item 6, for the various divisions, Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on February 1, 2006, under the authority of Ordinance No. 1873-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$110,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160408

which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.

Absent: Directors Dumas and Guzman.

Resolution No. 202-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of West Shore New Holland, Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, item 2, for the various divisions, Department of Port Control, for a period not to exceed two years beginning with the date of execution of a contract, received on February 1, 2006, under the authority of Ordinance No. 1873-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$60,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160411 which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.
Absent: Directors Dumas and Guzman.

Resolution No. 203-06.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland, that all bids received on March 22, 2006, for an estimated quantity of mid-size, hybrid, 4-door cars, for the various divisions of City government, under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, are rejected.

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.
Absent: Directors Dumas and Guzman.

Resolution No. 204-06.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Petroleum Traders Corporation for an estimated quantity of gasoline, item 1 (a, b) and item 2 (a, b), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on May 10, 2006, under the authority of Ordinance No. 194-06, passed by the Council of the City of Cleveland on March 27, 2006, which on the basis of the estimated quantity would amount to \$2,496,332.50 (0% 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 161698 which shall be certified against the contract in the sum of \$500,000.00.

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

Be it further resolved that the employment of the following subcontractor by Petroleum Traders Corporation under the contract authorized above is approved:

<u>Subcontractor</u>	<u>Percentage Amount</u>
American Merchandising Services	15 % \$374,449.88

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.
Absent: Directors Dumas and Guzman.

Resolution No. 205-06.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Apex Construction and Management Company, Inc., for the public improvement of the building improvements for the 6th floor Justice Center and district renovations, base bid, for the Department of Public Service, received on March 23, 2006, under the authority of Ordinance No. 2145-03, passed February 9, 2004, for a gross price for the improvement in the aggregate amount of \$569,850, is affirmed and approved as the lowest responsible bidder, and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Apex Construction and Management Company, Inc. is approved:

<u>Subcontractor</u>	<u>Amount Percentage</u>
Daniel Santiago Plumbing MBE	\$ 30,000 5.26 %
Work Best Electric FBE	\$100,000 17.55 %
Stonhard, Inc.	\$145,000 25.45 %
Frank Novak & Sons	\$ 55,000 9.65 %

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.
Absent: Directors Dumas and Guzman.

Resolution No. 206-06.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that, under Ordinance No. 368-06, passed by the Council of the City of Cleveland on March 20, 2006, the firm of Davey Resource Group, is selected upon nomination of the Director of Parks, Recreation and Properties from a list of firms determined after a full and complete canvass by the Director of Parks,

Recreation and Properties to develop, install and implement an urban forestry tree management software system, and provide training, support and maintenance for a one year period, including the acquisition of software licenses if necessary.

Be it further resolved that the Director of Parks, Recreation and Properties is authorized to enter into a written contract with Davey Resource Group, based upon its March 17, 2006 proposal, to develop, install, and implement a tree management software system during the period beginning upon the execution of a contract and the agreement shall be prepared by the Director of Law and shall contain such additional provisions as said Director deems necessary to protect and benefit public interest. The fees for such services to be performed under the contract authorized, as stated in the contractor's proposal shall be:

<u>SERVICE</u>	<u>FEES</u>
Tree Management Software: Network Version	\$10,200.00
Data Conversion	\$ 750.00
Software Training	\$ 1,360.00

Yeas: Mayor Jackson, Director Triozzi, Acting Interim Director O'Malley, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Interim Director Pesti, Director Fumich and Interim Director Rybka.

Nays: None.
Absent: Directors Dumas and Guzman.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 12, 2006

9:30 A.M.

Calendar No. 06-81: 12000 Harvard Avenue (Ward 2)

School House Finance, LLC, owner and Alan Oaks, appeal to change from a warehouse to a school the use of an existing two-story building, situated on an approximate 218' x 553' irregular shaped parcel in a General Industry District on the south side of Harvard Avenue at 12000 Harvard Avenue; as proposed, parking for the school is 10' from an adjoining Multi-Family District and a school is required to be 15' from any adjoining premises in a residence district not used for a similar purpose, as stated in Section 337.08(e) of the Codified Ordinances.

Calendar No. 06-82: 15430 Waterloo Road (Ward 11)

Jerry Kelly, owner, and Miesha Nelson, prospective tenant, appeal to change from a retail store to recreation and entertainment the use of an existing two story brick building, situated on a 40' x 113' parcel in a Local Retail Business District on the south side of Waterloo Road at 15430 Waterloo Road; subject to the limitations of Section 343.01, the proposed aerobic classes are not permitted in a Local Retail District but first permitted in a General Retail Business District under Section 343.11(b)(2)(L) and limited by Section 347.12, that does not allow the use to be established within 500' of a residential district, and the lot abuts a Two-Family District at the rear, nor may the use be established within 500' of a day care center, school, public library, church, playground, public or nonprofit recreation center, nor within 500' of another such use; and Section 349.04(e) requires 30 parking spaces, where 8 spaces are credited from the former use and 22 additional spaces are required; and contrary to Section 355.04(b) for Area Requirements, the maximum gross floor area proposed is 11,937 s/f where one half the lot size, or 2,400 s/f, is permitted; and Sections 352.09 and 352.10 require an 8' wide landscape transition strip between the lot and the Two-Family District at the rear and a 6' wide landscape strip between the parking and the street; and an 18' front yard is required, as stated in Section 357.04(a) of the Codified Ordinances.

Calendar No. 06-83: 4466 Warner Road (Ward 12)

Vince Yafanaro, owner, appeals to change from sheet metal work to a repair/sales shop for lawn mowers and other small engines, the use of an existing 26' x 42' one-story masonry building situated on a 38' x 116' irregular shaped lot, located in a Local Retail Business District on the west side of Warner Road at 4466 Warner Road; subject to the limitations of Section 343.01 the use is not permitted in a Local Retail Business District but first permitted under Section 345.03 in a Semi-Industry District; and the proposed substitution of a nonconforming use requires the Board of zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 06-84: 4726 Superior Avenue (Ward 13)

Carmelo Cario, owner, appeals to construct a 6' high chain link fence with barbwire in the actual front yard of an existing warehouse building situated on a 50' x 200' irregular shaped lot, located in a Semi-Industry District on the south side of Superior Avenue at 4726 Superior Avenue; contrary to the Fence Regulations for a non-residential district, a 6' fence height is proposed where not more than 4' is allowed and a fence with barbwire shall be located at least 4' from the sidewalk in a public-right-of-way, as stated in Section 358.05(2) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, MAY 30, 2006

At the meeting of the Board of Zoning Appeals on Tuesday, May 30, 2006, the following appeals were heard by the Board:

The following appeal was **Approved:**

Calendar No. 06-74: 3200 Franklin Boulevard

James Sosan appealed to change the use from a recreation center to 18 dwelling units and a private health club in a three-story building located in a B1 Two-Family District.

The following appeal was **Denied:**

Calendar No. 06-77: 4512 Stickney Avenue

Luis Fontanez appealed to install 96 linear feet of 4' high chain link fence in the actual front yard of a 50' x 150' parcel in a B1 Two-Family District.

The following appeal was **Withdrawn:**

Calendar No. 06-75: 13507-09 Lakewood Heights Boulevard

Timko Investments, Inc., owner, and Al Mealem, tenant, appealed to erect an 85 square foot sign with a 6' projection to the front of a store building in a General Retail Business District.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

Calendar No. 06-76: 485 East 140th Street postponed to July 3, 2006.

In Executive Session on May 30, 2006, the following appeals heard by the Board on May 22, 2006 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 06-72: 4266 Martin Luther King, Jr. Blvd.

Michael and Patricia Green appealed to enclose an existing front porch of a single family dwelling in a Two-Family District.

Calendar No. 06-73: 3857 West 31st Street

Reba Hicks appealed to install 57 linear feet of 4' tall chain link fence across the front yard and along the front yard setback of a single family dwelling in a Two-Family District; with a condition.

The following appeal was **Denied:**

Calendar No. 06-70: Appeal of Frank B. Smith, 8106 Cedar Avenue

Frank B. Smith appealed from a Notice of Violation issued by the Department of Building and Housing for illegal use of the premises located at 8106 Cedar Avenue.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, June 12, 2006
9:00 a.m.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, June 12, 2006, at 9:00 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 657-06.

By Council Member Santiago.

An ordinance to change the Use Districts of lands bounded by Seymour Avenue and Erin Avenue west of Fulton Road from a Two-Family Residential District to a Local Retail Business District as shown on the attached map (Map Change No. 2177; Page 1).

Ord. No. 708-06.

By Council Member Santiago.

An ordinance to change the Use District of land on the east side of West 25th Street north of Potter Court from a Semi-Industry District

to a General Industry Use District as shown on the attached map (Map Change No. 2178; Sheet No. 1).

Ord. No. 830-06.

By Council Member Brady.

An ordinance to change the zoning of lands on the north and south sides of Lorain Avenue from West 103rd Street to West 115th Street to Local Retail Business and Residence Office; and to change the zoning of property fronting on West 106th Street to Two Family, a 'B' Area District and a 'I' Height District as shown on the attached map (Map Change No. 2181; Sheet No. 2).

All interested persons are urged to be present or to be represented at the above time and place.

Joseph C. Cimperman
Chairman
Committee on City Planning

May 31, 2006 and June 7, 2006

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, JUNE 8, 2006

Uniform and Equipment for the Cleveland EMS, for the Division of EMS, Department of Public Safety,

as authorized by Ordinance No. 1667-83, passed by the Council of the City of Cleveland, June 19, 1984.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, JUNE 2, 2006 AT 10:00 A.M., EMS HEADQUARTERS, 1701 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 24, 2006 and May 31, 2006

WEDNESDAY, JUNE 14, 2006

Landscape Maintenance at Various Public Utilities Facilities, for the Various Divisions, Department of Public Utilities, as authorized by Ordinance No. 1024-05, passed by the Council of the City of Cleveland, September 19, 2005.

THERE WILL BE A MANDATORY PRE-BID MEETING, MONDAY, JUNE 5, 2006 AT 11:00 A.M., 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

Landscape Installation at Various Public Utilities Facilities, for the Various Divisions, Department of Public Utilities, as authorized by Ordinance No. 1024-05, passed by the Council of the City of Cleveland, September 19, 2005.

THERE WILL BE A MANDATORY PRE-BID MEETING, MONDAY, JUNE 5, 2006 AT 11:00 A.M., 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

May 24, 2006 and May 31, 2006

THURSDAY, JUNE 15, 2006

Fire Station City Wide Upgrade of Existing Facilities, for the Division of Architecture, Department of Public Utilities, as authorized by Ordinance No. 2145-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, JUNE 2, 2006 AT 10:00 A.M., FIRE STATION NO. 13, 4950 BROADWAY AVENUE, CLEVELAND, OHIO 44127.

May 24, 2006 and May 31, 2006

WEDNESDAY, JUNE 21, 2006

SANS (Storage Area Network), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1019-05, passed by the Council of the City of Cleveland, July 13, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING

TUESDAY, JUNE 6, 2006 AT 10:00 A.M., PENTON MEDIA BUILDING, 1300 EAST 9TH STREET, 4TH FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44114.

May 24, 2006 and May 31, 2006

FRIDAY, JUNE 30, 2006

Nottingham Water Works Plant Finished and Raw Water Pump Controls Project No. 543, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2233-05, passed by the Council of the City of Cleveland, February 13, 2006.

THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, JUNE 5, 2006 AT 9:00 A.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 24, 2006 and May 31, 2006

WEDNESDAY, JUNE 14, 2006

Labor and Materials Necessary to Clean the West Side Market, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 370-06, passed by the Council of the City of Cleveland, March 20, 2006.

THERE WILL BE A MANDATORY PRE-BID MEETING, FRIDAY, JUNE 9, 2006 AT 10:00 A.M., WEST SIDE MARKET, 1979 WEST 25TH STREET, CLEVELAND, OHIO 44113. (MEET AT THE WEST SIDE LOADING DOCK AT THE EAST END OF THE BUILDING)

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

May 31, 2006 and June 7, 2006

THURSDAY, JUNE 15, 2006

Cleveland City Hall First Floor Ceiling Repairs, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2143-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JUNE 8, 2006 AT 2:00 P.M., DIVISION OF ARCHITECTURE, 601 LAKESIDE AVENUE, ROOM 517, CONFERENCE ROOM, CLEVELAND, OHIO 44114.

Denison Avenue Resurfacing (From Lorain Road to West 73rd Street), for the Division of Engineering

and Construction, Department of Public Service, as authorized by Ordinance No. 606-06, pending.

THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, JUNE 8, 2006 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CONFERENCE ROOM, CLEVELAND, OHIO 44114.

May 31, 2006 and June 7, 2006

FRIDAY, JUNE 16, 2006

Labor and Materials Necessary to Repair and Maintain Combination Sewer and Catch Basin Cleaners, Including Appurtenances (Vectors) (Re-Bid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 643-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A MANDATORY PRE-BID MEETING, FRIDAY, JUNE 9, 2006 AT 11:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

May 31, 2006 and June 7, 2006

WEDNESDAY, JUNE 21, 2006

Urban Forestry Maintenance Services, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 255-06, passed by the Council of the City of Cleveland, March 20, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, JUNE 13, 2006 AT 10:00 A.M., WAREHOUSE CONFERENCE ROOM, 4150 EAST 49TH STREET, BUILDING 6, CLEVELAND, OHIO 44105.

May 31, 2006 and June 7, 2006

FRIDAY, JULY 7, 2006

Electrical Supplies and Equipment, for the Various Divisions, Department of Public Utilities, as authorized by Ordinance No. 2134-05, passed by the Council of the City of Cleveland, April 3, 2006.

THERE WILL BE A MANDATORY PRE-BID MEETING, FRIDAY, JUNE 23, 2006 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

May 31, 2006 and June 7, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 955-06.

By Council Members Polensek, Cimperman, Zone, Dolan, Santiago, Brancatelli, Conwell, Turner, Johnson, White, Reed and Coats.

An emergency resolution urging the National Football League to consider the City of Cleveland and the Cleveland Browns to host the 50th Annual Super Bowl at Cleveland Browns Stadium in 2016.

Whereas, the City of Cleveland has a long and memorable history of hosting professional football games; and

Whereas, the rich tradition of the Cleveland Browns boasts 15 members in the Pro Football Hall of Fame in Canton, Ohio; and

Whereas, the Cleveland fans have always loyally supported the team and the National Football league; and

Whereas, discussions are currently underway with architect Bob Corna to determine the feasibility of constructing a retractable dome on the Cleveland Browns Stadium located on Cleveland's lakefront; and

Whereas, the National Football League has recently approved the application of Kansas City, Missouri to host a future Super Bowl conditioned on the construction of a retractable dome over their present facility; and

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

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

Section 1. That this Council urges the National Football League to consider the City of Cleveland and the Cleveland Browns to host the 50th Annual Super Bowl at Cleveland Browns Stadium in 2016.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the National Football League.

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

Adopted May 22, 2006.

Effective May 26, 2006.

Res. No. 958-06.

By Council Member Polensek.

An emergency resolution withdrawing objection to the transfer of liquor license of a C1 and C2 Liquor Permit at 15518 St. Clair Avenue and repealing Resolution No. 126-06, objecting to said transfer.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 15518 St. Clair Avenue by Resolution No. 126-06 adopted by the Council on January 23, 2006; and

Whereas, this Council wishes to withdraw its objection to the above transfer of liquor license and consents to said transfer based upon and pursuant to a cooperation agreement between Councilmember Michael D. Polensek and Applicant Sunita R. Verma, President of Palsun, Inc., DBA Convenient Express; and

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Palsun, Inc., DBA Convenient Express, 15518 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 6665197 be and the same is hereby withdrawn and Resolution No. 126-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted May 22, 2006.

Effective May 26, 2006.

Ord. No. 903-06.

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

An emergency ordinance to amend Sections 209.05 and 3103.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to collection of costs from abatement of nuisances and unsafe structures.

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

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

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 209.05, as amended by Ordinance No. 318-06, passed March 20, 2006, and

Section 3103.09, as amended by Ordinance No. 1189-04, passed June 14, 2004,

are amended as follows:

Section 209.05 Costs of Abatement; Liens on Property

(a) The Director of Parks, Recreation, and Properties, or his designee, after abating a nuisance under this Chapter shall bill the owner of the property for reimbursement of the costs of abatement. The bill shall be mailed to the owner's last known address, when the name and address of the owner are known.

(b) Costs that may be billed include inspection, records research,

notification, collection agency fees, if any, and billing. A schedule of the costs shall be on file in the office of the Director of Parks, Recreation, and Properties, open for public inspection, and shall be published at least once in the City Record.

(c) If a bill is not paid within 30 days, or if the name or address of the owner is not known, the Director of Parks, Recreation, and Properties may certify that fact to the Commissioner of Assessments and Licenses. The Commissioner may make a written return to the County Auditor of the action under this Chapter, including a statement of the costs of the abatement services and a description of the property sufficient to allow the costs to become a lien on the property. If the Commissioner makes a return to the County Auditors, then the lien on the property shall be collected in the same manner as other taxes and returned to the City general fund in accordance with Revised Code Chapter 731.

(d) Nothing in this Section shall prevent the Director of Law from taking any other action necessary to collect the costs of abatement described by this Section.

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

(a) Legislative Findings.

Council of the City of Cleveland finds that:

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

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

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

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

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

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

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

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

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

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

(9) Structures that remain boarded for an extended period of time contribute to blight, cause a decrease in neighboring property values, create targets for arson, and lead to the cancellation of homeowners' insurance for neighboring property owners.

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

- A. Grass over 8 inches in height.
- B. Noxious weeds including Russian, Canadian, or common thistle; wild lettuce; wild mustard; wild parsley; ragweed; milk weed; iron weed; wild plants that can cause skin reaction upon contact or produce or aggravate hay fever, asthma, allergic respiratory reaction, or similar conditions; and all other noxious weeds.

C. Refuse, including but not limited to, trash, junk, garbage and food waste, offal, animal wastes, tires, and all other waste materials.

D. Stagnant surface water.

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

- A. Three model years' old or older;
- B. Apparently inoperable; and
- C. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, motor, or transmission. (R.C. §505.173)

(b) Declaration of Nuisance.

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

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

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

A. They harbor rodents, vermin, and other pests;

B. They contain toxic substances and flammable liquids and fumes;

C. They attract children to enter;

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

E. They diminish neighboring property values; and

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

(c) Effective Boarding Pending Rehabilitation.

(1) *Permits.* Pending the correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and the Ohio Administrative Code, including the Ohio Building Code, the owner of a structure may secure the structure through effective boarding. In order to effectively board the structure, the owner of the structure shall apply, within 3 days of receiving a notice of violation, to the Department of Building and Housing for a permit to board. The Department of Building and Housing shall review the condition of the structure, determine if it can be effectively boarded, and grant or deny the owner's permit to board, setting forth special requirements, if any, necessary for compliance with minimum standards for effective boarding. The owner shall effectively board the structure within 3 days of the issuance of a boarding permit, or within any other time limit that the Director deems appropriate. Structures that are boarded without first obtaining a boarding permit or structures that do not comply with the boarding permit shall continue to be considered public nuisances subject to demolition. Within thirty (30) days of the issuance of a permit to board, the owner of the structure shall apply for a rehabilitation permit under Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976. The Director may grant an extension of time for acquiring a rehabilitation permit on the owner's written request and for good cause shown. Failure of the owner to obtain a rehabilitation permit after effective boarding will result in the structure being deemed a public nuisance, and scheduled for demolition.

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

(3) *Maintenance.* Upon effectively boarding the structure, the owner shall monitor and maintain the

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

(4) *Rehabilitation.* Rehabilitation of the structure shall begin within 30 days of receiving a rehabilitation permit under Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976 unless the time period is extended with permission from the Director. If rehabilitation of the effectively boarded structure does not begin within this time period, or if the rehabilitation permit is otherwise invalidated or revoked, then the Director may declare that the nuisance has not been abated and schedule the structure for demolition.

(d) *Examination and Condemnation.*

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

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

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

(4) Whenever the Director finds a vacant structure open to entry at doors, windows or other points accessible to the general public, he may cause the structure to be secured at those points of entry. The Director shall be authorized at any time to enter the premises to secure the structure in order to lessen the severity of the public nuisance. In securing the structure, the Director may call any department, division or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such structure. This securing shall not be deemed to constitute "effective boarding" under division (b) of this section, and it does not abate the nuisance condition of an unsafe structure, as declared under division (d)(2) of this section, unless so declared in writing by the Director. Later notice, issued under division (e)(1) below, shall include the fact

that the Director has found it necessary to take appropriate action to secure the structure.

(e) *Notice of Violation.*

(1) Whenever the Director finds a building, structure or a portion of those to be unsafe and determines it or the property on which it is located to be a public nuisance as defined in this Chapter, he shall forward by certified mail to the owner, agent or person in control of the building, structure or portion and to any mortgagee of record a written notice of violation stating the defects in the building or structure. The notice of violation shall require the owner within a stated time to abate the nuisance condition of the building or structure by correction of the violations and defects to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition and removal of the building, structure, or a portion of those. The notice also shall state that if the nuisance is not abated within the required time that the Director may take appropriate action to repair, remove, or otherwise abate the public nuisance and that the owner, agent or person in control shall be responsible for the costs. The handing of the violation notice to the owner, agent or person in control of the building, structure or a portion of those shall be deemed actual notice and is legal and valid service and no other form of service is necessary.

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

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

(4) A. No person, agent, firm or corporation shall sell, by land con-

tract or otherwise, any interest in any structure or building without furnishing the buyer, prior to the sale a copy of any outstanding notice or order from the City, including any notice of violation or any outstanding notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio 1976, applicable City rules and regulations, the Revised Code, including the Ohio Building Code, or any outstanding notice to demolish and remove.

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

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

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

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

(g) *Right to Appeal.* The owner, agent or person in control shall have a right to appeal from the notice and decision of the Director as provided in this section and appear before the Board of Building Standards and Building Appeals at a specified time and place to show cause why he should not comply with the notice. Any notice served by the Director shall automatically become a final order if a written notice of appeal before the Board is not filed in the office of the Board within the time set forth in the notice from the Director. In the absence of an appeal, all actions

taken shall constitute a valid exercise of the police powers of the City of Cleveland.

(h) *Noncompliance with Notice.*

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

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

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

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

(5) *Failure To Comply with Notice.* In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or a portion of those, or to remove or abate any other condition that is defined as a nuisance under this Chapter, the Director may take appropriate action to take repair or maintenance measures or to otherwise abate the public nuisance. The Director shall specifically state in writing the findings with respect to the structure, and shall determine whether to perform repair or maintenance based on factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent of deterioration, the likelihood of vandalism or arson, the economic likelihood of eventual complete rehabilitation of the structure, the cost of repair or maintenance.

(6) *Notice of Intent To Demolish.* Except as provided in division (1) of this section, the Director shall

give written notice informing the owner, agent, or person in control, mortgagee of record and lien holders of record of the City's intention to demolish and remove the unsafe building or structure at least 30 days before the intended action by the City. The notice may be effective concurrently with the violation notice. A condemned structure, once effectively boarded by the owner pending rehabilitation that later becomes open to entry, may then be demolished and removed, subject to the Director giving written notice as stated in divisions (e)(1) and (h) of this section, upon a finding by the Director that the structure can no longer be effectively boarded.

(i) *Junk Motor Vehicle Removal.*

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

(2) *Director Authorized To Remove Junk Motor Vehicles.* The Director is authorized to provide for and order the removal of a junk motor vehicle when the junk motor vehicle has not been either covered by being housed in a garage or other suitable structure or removed from the property, within ten days of the date of mailing and posting of the notice as set forth above.

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

(k) *Costs.*

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

ed by federal money. In the case of a junk motor vehicle, any and all expenses or costs incurred under this section to remove the vehicle shall be paid by the person having the right of possession of the premises where the vehicle is located.

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

(3) If within 30 days from the date the Director of Building and Housing sends a statement of charges and costs incurred, the owner fails to pay for the costs of removal, repair, alteration, securing or boarding or of inspections of violations that have not been remedied, or the person having possession fails to pay for the cost of removing a junk vehicle, the Director may certify the amount to the Commissioner of Assessments and Licenses, including collection agency fees. The Commissioner of Assessments and Licenses may make written return to the County Auditor of the action under this section with a statement of the charges for services, the amount paid for the performing of labor and a proper description of the premises. Certification to the County Auditor is for the purpose of making expenses and costs a lien upon the lands, to be collected as other taxes and returned to the City with the General Fund, with special accounting under Section 715.261 of the Revised Code.

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

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 209.05, as amended by Ordinance No. 318-06, passed March 20, 2006, and

Section 3103.09, as amended by Ordinance No. 1189-04, passed June 14, 2004,

are repealed.

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

Passed May 22, 2006.

Effective May 26, 2006.

Ord. No. 954-06.

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

An emergency ordinance to amend Sections 16 and 44 of Ordinance No. 289-06, passed March 27, 2006, relating to compensation for various classifications.

Whereas, the Fact Finder's report concerning SERB Case Nos. 04-MED-01-0001 and 04-MED-01-0002 for the City, County and Waste Paper Drivers Union, Local No. 244, affiliated with the International Brotherhood of Teamsters, provided for, among other things, a zero percent increase in 2004 and 2005 and a three percent increase effective April 1, 2006, and that eligible members of the bargaining agreement will receive a separate payment in the amount of \$500.00 on or about May 1, 2006, which amount is not part of the member's wage base; and

Whereas, the Fact Finder's recommendations were deemed certified by virtue of Section 4117.14 of the Revised Code seven days after the issuance of the recommendations dated April 4, 2006; and

Whereas, it is necessary to amend Ordinance No. 289-05, passed March 27, 2006, to increase the appropriate payband sections to reflect the three percent increase for 2006; and

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

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

Section 1. That Sections 16 and 44 of Ordinance No. 289-06, passed March 27, 2006 are amended to read as follows:

Section 16. City, County and Waste Paper Drivers Union, Local No. 244, affiliated with the International Brotherhood of Teamsters. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Maintenance Man.....	\$ 11.97	\$ 17.29
2. Concrete Mixer Driver.....	\$ 14.82	\$ 21.45
3. Dog Warden.....	\$ 11.04	\$ 15.97
4. Ground Maintenance Truck Driver II.....	\$ 12.34	\$ 17.87
5. Hostler.....	\$ 10.00	\$ 14.18
6. Parking Enforcement Officer.....	\$ 10.00	\$ 14.10
7. Section Supervisor (part-time/seasonal).....	\$ 10.00	\$ 10.30
8. Snow Removal Vehicle Operator (part-time/seasonal).....	\$ 10.40	\$ 15.49
9. Street Carry-all Driver.....	\$ 15.55	\$ 22.50
10. Street Maintenance Equipment Leader.....	\$ 16.15	\$ 23.37
11. Street Equipment Maintenance Specialist.....	\$ 15.55	\$ 22.50
12. Tanker Truck Driver.....	\$ 15.55	\$ 22.50
13. Tow Truck Operator.....	\$ 11.80	\$ 17.10
14. Traffic Controller.....	\$ 10.00	\$ 14.10
15. Truck Driver.....	\$ 12.50	\$ 18.11
16. Waste Collection Driver.....	\$ 12.33	\$ 17.85
17. Waste Collection Roll-Off Driver.....	\$ 15.52	\$ 22.94

Section 44. Part-Time/Seasonal Group

That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Box Office Cashier.....	\$ 10.33	\$ 15.49
2. Chaplain.....	\$ 10.00	\$ 11.83
3. Checker.....	\$ 10.00	\$ 10.30
4. Conservation Aide.....	\$ 10.00	\$ 10.30
5. Dentist.....	\$ 13.38	\$ 29.44
6. Head Usher.....	\$ 10.00	\$ 11.69
7. Law Clerk.....	\$ 10.00	\$ 12.85
8. Medical Examiner.....	\$ 21.40	\$ 60.37
9. Organ Tuner.....	\$ 10.00	\$ 25.82
10. Park Maintenance Aide.....	\$ 10.00	\$ 10.30
11. Ranger.....	\$ 10.00	\$ 11.54
12. School Crossing Guard (Per Day).....	\$ 20.50	\$ 26.78
13. Stage Hand.....	\$ 19.11	\$ 27.34
14. Stage Hand Casual.....	\$ 20.60	\$ 27.00
15. Stage Hand - Show Rate (Per Show).....	\$ 64.89	\$ 88.75
16. Student Aide.....	\$ 10.00	\$ 10.30
17. Student Assistant.....	\$ 10.00	\$ 10.30
18. Usher.....	\$ 10.00	\$ 10.30
19. Usher Captain.....	\$ 10.00	\$ 10.30

Section 2. That existing Sections 16 and 44 of Ordinance No. 289-06, passed March 27, 2006 are repealed.

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

Passed May 22, 2006.

Effective May 26, 2006.

COUNCIL COMMITTEE MEETINGS

Tuesday, May 30, 2006

9:30 a.m.

Community and Economic Development Committee: Present: Pierce

Scott, Chair; Brancatelli, Vice Chair; Cummins, Coats, Westbrook, Brady, Zone, Lewis. *Authorized Absence:* Cimperman.

Wednesday, May 31, 2006

10:00 a.m.

Aviation and Transportation Committee: Present: Kelley, Chair; West-

brook, Vice Chair; Brancatelli, Britt, Dolan, Turner. *Authorized Absence:* Cleveland.

1:00 p.m.

Public Utilities Committee: Present: Zone, Chair; Cleveland, Polensek, Cummins, Dolan, Kelley, Westbrook, Santiago, Reed, Dolan. *Pro-tem:* Turner.

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O—Ordinance; R—Resolution; F—File
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