

The City Record

Official Publication of the Council of the City of Cleveland



December the Twenty-Seventh, 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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Containing	PAGE
City Council	3
The Calendar	3
Board of Control	3
Civil Service	5
Board of Zoning Appeals	6
Board of Building Standards and Building Appeals	6
Taxicab Rules and Regulations	7
Public Hearings	13
City of Cleveland Bids	13
Adopted Resolutions and Ordinances	13
Committee Meetings	13
Index	14

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
_____, 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 Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106 Karen E. Martines, 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, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – Ivan Henderson, 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 – Ricky D. Smith, 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, 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 – Leigh Stevens, 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, 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 – Brian A. Reilly, 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; Sharon Dumas, 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 Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, 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 Connolly, 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.

AUDIT COMMITTEE – Robert Rawson, Chairman; Yvette Ittu, Debra Janik, Bracy Lewis, Don Neebes, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

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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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, DECEMBER 27, 2006

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CITY COUNCIL

MONDAY, DECEMBER 25, 2006

The City Record

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

NONE

BOARD OF CONTROL

December 20, 2006

The special meeting of the Board of Control convened at 205 St. Clair on Wednesday, December 20, 2006, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush,

Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Absent: Director Reilly.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

Resolution No. 568-06.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the Bid of Interstate Safety & Service Co., Inc. (FBE), for an estimated quantity of building materials, for Item Nos. 2, 4 (sizes 1 and 9), 7, 10, 20 and 21 for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on October 18, 2006, under the authority of Ordinance No. 601-06 passed April 10, 2006, which on the basis of the estimated quantity would amount to \$484,032.50 (1% 30 Days), 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. 168524 which shall be certified against the contract in the sum of \$24,202.00.

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.

Be it further resolved, by the Board of Control of the City of Cleveland that employment of the following subcontractors by Interstate Safety & Service Co., Inc. for the above-mentioned purchase are hereby approved:

Granger Trucking
MBE — \$23,900.00 — 4.94%

R.L. Cole Enterprise
FBE — \$7,930.00 — 1.64%

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush,

Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 569-06.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Gene Ptacek & Son Fire Equipment Company, Inc., for an estimated quantity of labor and materials necessary to refill, repair and replace fire extinguishers, all items, for the various divisions of City government, for the period of two (2) years beginning with the date of execution of a contract, received on November 23, 2006, under the authority of Ordinance No. 1618-06 passed October 23, 2006, which on the basis of the estimated quantity would amount to \$126,000.00 (Net, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 168399

which shall be certified against such contract in the sum of \$9,999.00.

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.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 570-06.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Rockport Construction & Materials, Inc. (FBE), for an estimated quantity of ready mix concrete, all items, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on December 14, 2006, under the authority of Ordinance No. 1751-06, passed November 13, 2006, which on the basis of the estimated quantity would amount to \$3,633,042.00 (Net), 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. 176796

which shall be certified against the contract in the sum of \$182,000.00.

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Rockport Construction & Materials, Inc. (FBE), for the abovementioned service is hereby approved:

McTech Corporation, d.b.a.

Tech Ready Mix

MBE — \$545,000.00 — 15.00%

Interstate Safety & Service

FBE — \$182,000.00 — 5.01%

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 571-06.

By Director Ciaccia.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on September 8, 2006, for wood poles and crossarms, items 1 through 23, 25, 26, and 29 through 45, for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 572-06.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of National Waterworks, Inc. for an estimated quantity of adjustable valve boxes (item 5) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on September 28, 2006, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$34,840.00 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 176792

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

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 573-06.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Ferguson Waterworks for an estimated quantity of adjustable valve boxes (items 1-4 and 6) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on September 28, 2006 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$106,360.00 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 176742

which shall be certified against the contract in the sum of \$30,000.00.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 574-06.

By Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Office Max Contracts, Inc. for an estimated quantity of office cubicles, all items, for the Division of Air Quality, Department of Public Health, for a period of one year beginning with the date of execution of a contract, received on December 8, 2006, under the authority of Ordinance No. 1033-05, passed on June 6, 2005, which on the basis of the estimated quantity would amount to \$16,525.00, is affirmed

and approved as the lowest and best bid, and the Director of Public Health is requested to enter into a requirement contract for the System, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 155420

which shall be certified against the contract in the sum of \$16,525.00.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 575-06.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering, for an estimated amount of Prisoner Meals, all items, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 19, 2006, under the authority of Ordinance No. 1048-06, passed by Cleveland City Council on July 12, 2006, which on the basis of the estimated quantity would amount \$607,005.60, is affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 173061

as specified, which shall be certified against such contract in the sum of \$101,167.60.

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, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 576-06.

By Director Cox.

Whereas, on July 9, 2003, the Board of Control of the City of Cleveland

adopted Resolution No. 397-03 authorizing the Commissioner of Purchases and Supplies to sell Property no longer needed for public use, consisting of Permanent Parcel Number 003-01-006, Parcels "A", "B" and "C", to Robert Maschke, Yan Maschke and Hector Vega, respectively; and

Whereas, Resolution No. 397-03 needs to be amended to correct the consideration to be paid for each parcel to be fixed at \$10,000.00 per parcel, which amount is determined to be not less than fair market value taking into consideration costs expended by purchaser for environmental and geotechnical remediation; and, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 397-03, adopted July 9, 2003, authorizing the sale of certain City-owned Property no longer needed for public use, is amended by changing the consideration to be paid for each parcel to be fixed at \$10,000.00 per parcel, which amount is determined to be not less than fair market value taking into consideration costs expended by purchaser for environmental and geotechnical remediation.

Be it further resolved that all other provisions of Resolution No. 397-03 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 577-06.

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 120-03-004 and 120-03-005, located at 11010-12 Superior Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1960-05 passed October 30, 2006, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Louis Lee has proposed to the City to purchase and develop the parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1960-05 passed October 30, 2006, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Louis Lee for the sale and development of Permanent Parcel Nos. 120-03-004 and 120-03-005, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$6,000.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 578-06.

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 104-20-049 and 104-20-050, located at Quimby Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 709-06 passed June 12, 2006, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Margaret Adams has proposed to the City to purchase and develop the parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 709-06 passed June 12, 2006, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Margaret Adams for the sale and development of Permanent Parcel Nos. 104-20-049 and 104-20-050, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

Resolution No. 579-06.

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chap-

ter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 124-20-008 and 124-20-014 located at Ensign Avenue in Ward 5; and

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

Whereas, Borchert Fence Company, Inc., abutting/adjacent landowner, has proposed to the City to purchase and develop the parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

2. The parcels are either less than 4,800 square feet or less than 40 feet frontage;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Borchert Fence Company, Inc. for the sale and development of Permanent Parcel Nos. 124-20-008 and 124-20-014 located at Ensign Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcels shall be \$5,000.00, which amount is determined to be not less than the Fair Market value of said parcels for uses according to the Program.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Odom, Director Guzman and Acting Director O'Leary.

Nays: None.

Absent: Director Reilly.

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, JANUARY 8, 2007

9:30 A.M.

Calendar No. 06-247: 7211 Quincy Avenue (Ward 5)

Robert Rosen, owner, appeals to have the outside storage of trailers, containers and scrap metals on a 152.58' x 150' parcel, located in a General Retail Business District on the north side of Quincy Avenue at 7211 Quincy Avenue; the proposed outside storage being contrary to Section 343.11, not permitted in a General Retail Business District but first permitted in a General Industry District; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 06-252: 17149 St. Clair Avenue (Ward 11)

All City Recycling, Inc., owner, and Lawrence Rich, agent, appeal to establish use as an automobile wrecking yard on an approximate 100' x 675.69' irregular shaped lot that is located in split zoning with the frontage along St. Clair Avenue in a Semi-Industry District and the remainder of the land in a General Industry District on the north side of St. Clair Avenue at 17149 St. Clair Avenue; the proposed use not being permitted in the Semi-Industry District portion of the property under the provisions of Section 345.03 of the Codified Ordinances.

Calendar No. 06-255: 4974 Broadview Road (Ward 16)

Patrick Realty Corporation, owner, and Thomas Coyne, agent, appeal to

erect a 14' x 48' double faced, illuminated billboard at a height of 90' on an acreage parcel, located in a General Industry District on the south side of Interstate 480 and on the west side of Broadview Road at 4974 Broadview Road; contrary to Section 350.10(d) a 90' height is proposed and 50' is the maximum height allowed for a billboard above a roadway surface; and the proposed billboard will be 500' from two other billboards on the same side of the freeway, and along freeways a minimum distance of 1400' is required between billboards located on the same side of the freeway, as stated in Section 350.10(e) of the Codified Ordinances.

10:30 A.M.

Calendar No. 06-190: 4755 Pearl Road (Ward 16)

ASD Corporation, owner, and Sam Shah appeal to change the use from an office and motel to an office and apartments in an existing two-story brick building, situated on a 60' x 309' parcel located in a Local Retail Business District on the northeast corner of Pearl Road and Oak Park Avenue at 4755 Pearl Road; contrary to Sections 357.04 and 357.05, a front yard of 15 feet is proposed and 30 feet is required and a side yard of 2.7 feet is proposed where 5 feet is required, and contrary to Section 357.08(b)(2) a rear yard depth of 18.5 feet is proposed instead of 20 feet and accessory parking spaces shall be striped to clearly identify the maneuvering areas and each space measuring not less than 180 square feet, accessible from the street, exclusive of drives or access area, and are to be used solely for parking of motor vehicles according to the provisions of Section 325.03 of the Codified Ordinances. (Filed 9-14-06; Motions for Rehearing granted 10-30-06 and 11-27-06)

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, DECEMBER 26, 2006

Appeals on the Board of Zoning Appeals agenda that were heard and decided on December 18, 2006 will be approved and adopted by the Board in the Executive Session on January 2, 2007.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE**File No. 1820-06-A.****TAXICAB RULES AND REGULATIONS****A - DRIVER**

These Rules and Regulations for drivers supplement and/or clarify and add to the regulations mandated by Chapter 443 Taxicabs of the Codified Ordinance of the City of Cleveland.

A			<u>STANDARDS OF CONDUCT WHILE ON DUTY.</u>	Violation Class
A	(1)		<u>A taxi driver shall:</u>	
A	(1)	(a)	Display a professional demeanor in the presence of passengers.	A
A	(1)	(b)	Be well groomed presenting a neat and clean appearance.	A
A	(1)	(c)	Be able to speak and understand directions, oral and written, in the English language.	A
A	(1)	(d)	Ensure the taximeter is engaged while the taxicab is on hire with a passenger.	A
A	(1)	(e)	Use the most direct available route on all trips unless the passenger specifically requests to change the route.	C
A	(1)	(f)	Operate the heating and air conditioning systems on demand of the passenger.	A
A	(1)	(g)	Allow passengers to be accompanied by an animal trained to guide or assist a person with a disability and to carry with them small animals, when such animals are securely enclosed in a box or cage designed for holding such animal and capable of being held on the lap of the passenger [unless doctor certification of allergy on file with the Commissioner].	A
A	(1)	(h)	Assist passengers placing luggage or packages (under 50 pounds) in and out of the taxicab.	A
A	(1)	(i)	Accept credit cards for payment of fare when requested by passengers.	A
A	(1)	(j)	Conspicuously display his/her taxi driver's license in view of the passenger.	A
A	(1)	(k)	Carefully search taxicab for property lost or left therein after termination of each transport. Any property lost or left in vehicle must be returned to company or association by the end of day.	A
A	(1)	(l)	Encourage passengers to enter or leave taxicab from the curb side door.	A
A	(1)	(m)	Ensure all refuse is appropriately discarded and under no circumstance litter.	A
A	(1)	(n)	Ensure that the trunk is clear of articles to allow for luggage storage.	A
A	(1)	(o)	Ensure all electronic equipment not needed to operate a taxicab (televisions, VCR's, etc.) are not in the vehicle.	A
A	(1)	(p)	Operate his/her taxicab in accordance with all applicable state and local laws and regulations and with due regard for the safety, comfort and convenience of passengers and the general public.	A
A	(1)	(q)	Complete trip sheets thoroughly listing at a minimum the date, time, origin and destination of each trip.	A
A	(2)		<u>With respect to passenger's destination, a taxi driver shall not:</u>	
A	(2)	(a)	Take a longer route to the passenger's destination than is necessary unless specifically requested to do so by the passengers.	C
A	(2)	(b)	Fail to comply with reasonable and lawful requests of the passenger as to speed of travel and route to be taken.	C
A	(2)	(c)	Deceive or attempt to deceive any passenger who rides or desires to ride in taxicab.	A

A	(3)		A taxi driver shall not:	
A	(3)	(a)	Refuse an orderly fare.	C
A	(3)	(b)	Be discourteous to a passenger.	A
A	(3)	(c)	Refuse to issue a receipt for a fare paid if one is requested.	A
A	(3)	(d)	Smoke or chew any tobacco product or snuff while a passenger is being carried in a taxicab.	A
A	(3)	(e)	Permit any other passenger (not accompanying first passenger) to enter the taxicab without first obtaining the consent of the first passenger.	A
A	(3)	(f)	Use profane, obscene, belligerent or language offensive to the passenger.	C
A	(3)	(g)	Talk loudly, utter profanity, shout or fight with any other driver.	C
A	(3)	(h)	Sleep in a taxicab that is parked in a street, alley, taxi stand or any public place.	B
A	(3)	(i)	Tamper with or attempt to alter a taximeter or security seal.	C
A	(3)	(j)	Not use cell phones or other portable telephones (other than two-way radio) while passenger is in vehicle, or while vehicle is moving upon public thorough fare.	A
A	(4)		For passenger's safety, a taxi driver shall:	
A	(4)	(a)	Not work an excessive length of time so as to impair safe operation of a vehicle.	B
A	(4)	(b)	Not carry more passengers than the manufacturer's rating for the vehicle.	B
A	(4)	(c)	Not operate any taxicab while consuming, or while under the influence of drugs, unless such drugs are available commercially over the counter, or are being taken pursuant to doctor's prescription, and, in any case, such drug usage does not impair the driver's ability to operate the taxicab.	B
A	(4)	(d)	Not sub-lease or allow the use of a taxicab to another driver without written permission from your company or association and ensuring that the driver is properly licensed.	B
A	(4)	(e)	Make a report in writing of any criminal conviction or adjudicated traffic violation to the Commissioner within five (5) business days of the conviction or adjudication. The Commissioner may conduct a hearing if the nature of the criminal conviction or adjudicated traffic violation may constitute a danger to the public. Failure to follow this rule will be sufficient grounds for revoking a taxi driver's license.	B

Changing Companies or Associations:

The second and each subsequent request of a taxi driver to change from a taxicab company or association must be approved by the Commissioner within a licensing year.

Violations:

Violations are classified according to the following categories:

1. Class A - violations of administrative or non-safety requirements
2. Class B - violation of safety requirements
3. Class C - other serious violations

The first offense of a Class A violation within a licensing year shall result in a \$25.00 fine. The second Class A offense within a licensing year shall result in a \$50.00 fine. The third offense of a Class A violation will result in a fourteen (14) day suspension of the taxi driver.

The first offense of a Class B violation shall result in a fourteen (14) day suspension of the taxi driver. The second offense of a Class B violation will result in a thirty (30) day suspension. The third Class B offense shall result in the revocation of the taxi driver's license.

The first offense of a Class C violation shall result in a seven (7) day suspension of the taxi driver. The second Class C offense shall result in a thirty (30) day suspension. The third Class C offense shall result in the revocation of the taxi driver's license.

The aforementioned list of violations and penalties do not limit or effect the authority of the Commissioner to suspend or revoke licenses or seek other means of enforcement as provided in Codified Ordinance 443.

TAXICAB RULES AND REGULATIONS**B - TAXICAB VEHICLE**

These Rules and Regulations for taxicabs supplement and/or clarify and add to the regulations mandated by Chapter 443 Taxicabs of the Codified Ordinance of the City of Cleveland.

B			STANDARDS FOR TAXICAB VEHICLES.	Violation Class
B	(1)		All taxicabs shall:	
B	(1)	(a)	Be in good mechanical and physical condition.	A
B	(1)	(b)	Be clean and well maintained in appearance inside and out.	A
B	(1)	(c)	Be comfortable and clean for the passenger and free of debris.	A
B	(1)	(d)	Be equipped with a roof light permanently affixed to the roof.	A
B	(1)	(e)	Have rate cards conspicuously displayed in view of the passenger.	A
B	(1)	(f)	Have an operational two-way radio or GPS system.	A
B	(1)	(g)	Have an operational safety partition, surveillance camera or safe.	B
B	(1)	(h)	Have all passenger seats in the vehicle available for passenger use.	A
B	(1)	(i)	Have working heating and air conditioning systems.	A
B	(1)	(j)	Have easy access to seatbelts.	B
B	(1)	(k)	Accept credit cards by March 30, 2007.	A
B	(1)	(l)	Have an operational taximeter properly tested, approved and sealed by the City's Bureau of Weights and Measures.	C
B	(1)	(m)	Not have an offensive odor.	A
B	(1)	(n)	Not have an aftermarket tint or screening affixed to any window or carry any lettering, sign or advertisement on or in any window glass or windshield unless authorized by the Commissioner.	A

TAXICAB RULES AND REGULATIONS**C - TAXICAB COMPANIES**

These Rules and Regulations for taxicab companies or associations supplement and/or clarify and add to the regulations mandated by Chapter 443 Taxicabs of the Codified Ordinance of the City of Cleveland.

C			STANDARDS FOR TAXICAB COMPANIES.	Violation Class
C	(1)		All taxicabs companies or associations shall:	
C	(1)	(a)	Provide good and reasonable service at all times to all parts of the City twenty-four (24) hours a day, each and every day of the year.	C
C	(1)	(b)	Maintain a business office with sufficient employees to answer all calls twenty-four (24) hours a day, each and every day of the year.	C
C	(1)	(c)	Ensure request for taxicab service are responded to within a reasonable time.	A
C	(1)	(d)	Ensure only properly licensed (City and State) taxicab drivers operate your taxicabs daily.	A
C	(1)	(e)	Institute a system of frequent and regular inspections in order to keep vehicles in proper repair, clean and sanitary at all times with proper maintenance logs.	A
C	(1)	(f)	Maintain driver trip sheets that are open to inspection and produced on demand of the Commissioner or a designated City employee. When the request is to be sent via facsimile, the trip sheets must be produced within four (4) hours of receipt of request.	A
C	(1)	(g)	Produce a dispatch report that makes a record of each call received, the time it is received, the point of origin, the time the request for service is dispatched, the time of pick-up and the destination, if indicated by the prospective passenger. Such record shall be kept in the dispatch office for a minimum period of six (6) months.	A

C	(1)	(h)	Maintain a passenger complaint log sorted by: (i) Driving behavior, communication, personal dress or hygiene; (ii) Vehicle condition, appearance, mechanical and/or safety; (iii) Service response; (iv) Lack of driver knowledge of route or requested destination; (v) Other	A
C	(1)	(i)	Maintain records detailing the following information for a period of no less than two years. (i) The total number of taxicab service requests dispatched; (ii) The total number of pick-ups that are over 20 minutes from the time dispatched or scheduled pick up time; (iii) The total number of taxicab trips made by each taxicab; (iv) The total taxicab metered miles driven for each taxicabs; (v) The total revenue generated for each taxicab metered miles; (vi) The total vehicle miles driven for each taxicab.	A
C	(1)	(j)	Have a secure location to store items lost or left in vehicles. Keep a log of items lost or left in vehicles.	A
C	(1)	(k)	Notify the Commissioner within ten (10) business days of withdrawing a vehicle from use as a taxicab. All distinctive insignia or company or association name, assigned number and roof lights must be removed.	A

Violations:

Violations are classified according to the following categories:

1. Class A - violations of administrative or non-safety requirements (2 violation marks)
2. Class B - violation of safety requirements (8 violation marks)
3. Class C - other serious violations (8 violation marks)

The first offense of a Class A violation by a taxicab or company or association shall result in a \$75.00 fine in a licensing year. The second Class A offense within a licensing year shall result in a \$100.00 fine. The third and each subsequent Class A offense shall result in \$150.00 fine.

The first offense of a Class B violation by a taxicab or company or association shall result in a \$100.00 fine in a licensing year. The second Class B offense within a licensing year shall result in a \$150.00 fine. The third and each subsequent Class B offense shall result in \$200.00 fine.

The first offense of a Class C violation by a taxicab or company or association shall result in a \$100.00 fine in a licensing year. The second Class C offense within a licensing year shall result in a \$150.00 fine. The third and each subsequent Class C offense shall result in \$200.00 fine.

When a company or association through its operations, taxicabs and/or drivers employed by the company accumulates violation points equal to ten times the number of licensed taxicabs then a hearing will be held with City officials to determine if the public's convenience and necessity is being served or hindered by that particular company or association. The penalty for hindering the public convenience and necessity include suspension and/or revocation of cab licenses.

All fines are payable by the company or association and shall not be passed onto drivers. Fines not paid to the Division of Assessments and Licenses within 60 days may result in the revocation of cab licenses for the term of a licensing year.

The aforementioned list of violations and penalties do not limit or effect the authority of the Commissioner to suspend or revoke licenses or seek other means of enforcement as provided in Codified Ordinance 443.

Enforcement

Any Cleveland Police Officer, appointed members of the City's Division of Assessments and Licenses, Airport Ground Transportation staff, Airport administrators and other duly appointed individuals shall have powers to enforce these Rules and Regulations.

ENACTED VERSION OF ORDINANCE NO. 1820-06.**Ord. No. 1820-06.**

By Council Members Kelley, Westbrook, Brancatelli, Britt, Cleveland, Dolan and Turner.

An emergency ordinance to supplement the Codified Ordinances of Cleveland Ohio, 1976 by enacting new Sections 443.37 and 443.38; to amend Sections 443.03, 443.06, and 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1828-77, passed June 8, 1978, Ordinance No. 1913-77, passed June 8, 1978 and Ordinance No. 1066-06, passed June 12, 2006, respectively; and to repeal Section 443.07 as amended by Ordinance No. 1913-77, passed June 8, 1978, relating to taxi cabs.

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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 443.37 and 443.38, thereof, to read as follows:

Section 443.37 Taxicab Passenger Bill of Rights

(a) No owner or driver shall operate or permit to be operated his or her taxicab unless a Taxicab Passenger Bill of Rights is securely affixed to the back of the front passenger seat of every taxicab in operation. The Taxicab Passenger Bill of Rights shall be in a form provided by the Commissioner, which form shall state that all taxicab passengers have a right to:

- (1) a safe ride anywhere in the Greater Cleveland metropolitan area;
- (2) direct the driver on the route to be taken;
- (3) an effective complaints process;
- (4) a free ride if the taximeter is not in a recording position, unless the taxicab is being hired at the request of the passenger on an hourly rate basis;
- (5) reduce the tip if the services referred to in this section are not provided;
- (6) a quality taxicab which:
 - (i) is in good mechanical and physical condition;
 - (ii) has a clean passenger area and trunk;
 - (iii) is heated or air-conditioned on demand;
 - (iv) has easy access to seatbelts;
 - (v) is a smoke-free environment;
- (7) a professional driver who:
 - (i) is licensed and knowledgeable;
 - (ii) knows the major routes and destinations in the City of Cleveland and the surrounding metropolitan area;
 - (iii) speaks and understands English;
 - (iv) is courteous and provides assistance;
 - (v) provides a safe ride;
 - (vi) knows and obeys all traffic laws; and
 - (vii) offers a silent ride if desired.

(b) The Taxicab Passenger Bill of Rights shall also state that drivers may not recommend hotel accommodations or restaurants unless requested by the passenger.

(c) The Taxicab Passenger Bill of Rights shall display in plain view of every passenger the phone number for registering complaints.

(d) A driver or owner who fails to display a Taxicab Passenger Bill of Rights as set forth in this section shall be fined \$100.00 for each such failure to display said Taxicab Passenger Bill of Rights.

Section 443.38 Fines for Violating Rules and Regulations

(a) The Commissioner of Assessments and Licenses shall assess fines to taxicab drivers and taxicab companies for violations of the Rules and Regulations governing their conduct as published in the City Record.

(b) The authority to assess fines under this section does not limit or affect any criminal offense, or the authority of the Commissioner to suspend or revoke a license under Section 443.36, or any other means of enforcement of this chapter provided for in these Codified Ordinances.

Section 2. That Sections 443.03, 443.06, and 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1828-77, passed June 8, 1978, Ordinance No. 1913-77, passed June 8, 1978 and Ordinance No. 1066-06, passed June 12, 2006, respectively, are hereby amended to read as follows:

Section 443.03 Number of Hack Licenses Fixed

It is hereby determined that 500 licenses issued to owners of public hacks is sufficient to serve adequately the need for hack service in the City of Cleveland. Each public hack license shall be prominently displayed in the interior of the licensed vehicle.

No owner or company shall be issued more than 350 cab licenses.

Section 443.06 Liability Insurance

(a) No person shall operate a public hack or other vehicle kept for hire or permit such to be operated, nor shall any license be issued until the applicant deposits with the Commissioner of Assessments and Licenses the following:

A policy or certificate of liability insurance for each hack for which a license is sought, acceptable to and approved by the Commissioner and the Director of Law with the following limits: 100,000 per person, \$300,000 per vehicle, and \$100,000 for property damage, or a combined single limit policy of \$300,000. The policy shall further contain a clause obligating the insurance company to give ten days' written notice to the Commissioner before cancellation of the policy, with the license to expire upon the lapse or termination of the policy of insurance.

(b) Such policy of insurance shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon. If at any time in the judgment of the Commissioner such policy is not sufficient for any cause the Commissioner may require the owner of such public hack to replace such policy with another approved by the Commissioner and the Director of Law.

(c) A self-insured retention plan that is equivalent or better, in the judgment of the Commissioner of Assessments and Licenses, than the insurance described in this section may be accepted by the Commissioner in lieu of a policy or certificate of insurance.

Section 443.26 Rates of Fare; Receipts

(a) The maximum rates of fare for gasoline fueled or propane fueled taxicabs including sales tax shall be as follows:

(1) For the first one-eighth mile or fraction thereof, two dollars and twenty-five cents (\$2.25).

(2) For each succeeding one eighth mile or fraction thereof, twenty-five cents (\$0.25).

(b) *Waiting Time or Traffic Delay Charge.* The rate for waiting or traffic delay shall be eighteen dollars (\$18.00) per hour except for coaches hired at the hourly rate.

(c) *Charge for More Than Four Passengers.* The rate for carrying more than four passengers shall be an additional one dollar (\$1.00) per person for each passenger over twelve years of age.

(d) *Hourly Rate.* Public hacks may, upon request of passengers, accept employment whereby the fare to be asked may be computed on an hourly rental. When a public hack is so employed, the fare to be charged shall be computed from the time of leaving the nearest station of the owner to the time of returning to the nearest station from the point of dismissal.

(e) *Receipt to be Given.* Upon request of a passenger, the owner, driver, chauffeur or other person in charge or control of a public hack shall deliver to the person paying for the hire of the same at the time of such payment a receipt therefore upon a blank, the form of which is to be prescribed and approved by the Commissioner of Assessments and Licenses. The receipt shall contain in legible type or writing the name of the owner, the City license number, the driver's City license number and other items for which a charge is made, the total amount paid and the date of payment.

Section 3. That existing Sections 443.03, 443.06, 443.07 and 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1828-77, passed June 8, 1878, Ordinance No. 1913-77, passed June 8, 1978 and Ordinance No. 1066-06, passed June 12, 2006, are repealed.

Section 4. That the Rules and Regulations contained in legislative File No. 1820-06-A are established to govern the conduct of taxicab drivers and taxicab companies, and shall be published in full in the City Record along with the publication of the enacted version of this ordinance. The Rules and Regulations shall take effect 10 days after the date of their publication.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately on 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 December 11, 2006.

Effective December 14, 2006.

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 Wednesday, January 10, 2007
1:30 p.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 Wednesday, January 10, 2007, at 1:30 p.m., to consider the following ordinance now pending in the Council:

Ord. No. 1974-06

By Council Member Pierce Scott. An ordinance to change the Use, Area and Height Districts of property bounded by East 105th Street, East Boulevard, and Wade Park to a General Retail Business Use District, a 'D' Area District and a '3' Height District (Map Change No. 2203, Page 8).

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

December 27, 2006 and January 3, 2007

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 ven-

ture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, JANUARY 10, 2007

Estimated Quantity of Two (2) Fork Lifts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 887-06, passed by the Council of the City of Cleveland, August 9, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 4, 2007 AT 10:30 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

December 20, 2006 and December 27, 2006

THURSDAY, JANUARY 11, 2007

Elevator and Escalator Maintenance, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1455-06, passed by the Council of the City of Cleveland, October 30, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, DECEMBER 28, 2006 AT 9:00 A.M., CLEVELAND CONVENTION CENTER, 500 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, DECEMBER 28, 2006 AT 11:00 A.M., WEST SIDE MARKET, 1979 WEST 25TH STREET, CLEVELAND, OHIO 44113.

December 20, 2006 and December 27, 2006

FRIDAY, JANUARY 12, 2007

Estimated Quantity of One (1) Flat Bed Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 4, 2007 AT 10:00 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

External Explosive Containment Trash Receptacles, for the Division of Homeland Security, Department of Public Safety, as authorized by Ordinance No. 2150-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 28, 2006 AT 3:00 P.M., 205 WEST ST. CLAIR, SUITE #306, CLEVELAND, OHIO 44105.

December 20, 2006 and December 27, 2006

WEDNESDAY, JANUARY 10, 2007

Estimated Quantity of Two (2) Fork Lifts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 887-06, passed by the Council of the City of Cleveland, August 9, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 4, 2007 AT 10:30 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

December 20, 2006 and December 27, 2006

THURSDAY, JANUARY 11, 2007

Elevator and Escalator Maintenance, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1455-06, passed by the Council of the City of Cleveland, October 30, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, DECEMBER 28, 2006 AT 9:00 A.M., CLEVELAND CONVENTION CENTER, 500 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, DECEMBER 28, 2006 AT 11:00 A.M., WEST SIDE MARKET, 1979 WEST 25TH STREET, CLEVELAND, OHIO 44113.

December 20, 2006 and December 27, 2006

FRIDAY, JANUARY 12, 2007

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THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 28, 2006 AT 3:00 P.M., 205 WEST ST. CLAIR, SUITE #306, CLEVELAND, OHIO 44105.

December 20, 2006 and December 27, 2006

**ADOPTED RESOLUTIONS
AND ORDINANCES**

NONE

**COUNCIL COMMITTEE
MEETINGS**

NO MEETINGS

Index

O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

Bold type in sections indicates amendments

Board of Control — Air Quality Division

Cubicles, office — contract per Ord. 1033-05 to Office Max Contracts, Inc. —
Dept. of Public Health (BOC Res. 574-06) 2438

Board of Control — Cleveland Public Power Division

Poles, wood and crossarms — per C.O. Sec. 129.26 — all bids rejected —
Dept. of Public Utilities (BOC Res. 571-06) 2438

Board of Control — Community Development Department

Ensign Avenue (Ward 5) — PPN 124-20-008/014 — Borchert Fence Company, Inc.
(BOC Res. 579-06) 2439
Quimby Avenue (Ward 7) — PPN 104-20-049/050 — Margaret Adams per Ord. 709-06
(BOC Res. 578-06) 2439
Superior Avenue, 11010-12 (Ward 9) — PPN 120-03-004/005 — Louise Lee per Ord.
1960-05 (BOC Res. 577-06) 2439

Board of Control — Finance Department

Building materials — contract per Ord. 601-06 to Interstate Safety & Service Co., Inc.
(BOC Res. 568-06) 2437
Concrete, ready mix — contract per Ord. 1751-06 to Rockport Construction & Materials
(BOC Res. 570-06) 2438
Fire extinguishers, refill, repair or replace — contract per Ord. 1618-06 to Gene Ptacek
& Son Fire Equipment Company, Inc. (BOC Res. 569-06) 2438
PPN 003-01-006 — Parcels A, B, C — Yan Maschke, Hector Vega, Robert Maschke and Hector
Vega — amend BOC Res. 397-03 (BOC Res. 576-06) 2439

Board of Control — Land Reutilization Program

Ensign Avenue (Ward 5) — PPN 124-20-008/014 — Borchert Fence Company, Inc.
(BOC Res. 579-06) 2439
Quimby Avenue (Ward 7) — PPN 104-20-049/050 — Margaret Adams per Ord. 709-06
(BOC Res. 578-06) 2439
Superior Avenue, 11010-12 (Ward 9) — PPN 120-03-004/005 — Louise Lee per Ord.
1960-05 (BOC Res. 577-06) 2439

Board of Control — Land Reutilization Program (Ward 5)

Ensign Avenue (Ward 5) — PPN 124-20-008/014 — Borchert Fence Company, Inc.
(BOC Res. 579-06) 2439

Board of Control — Land Reutilization Program (Ward 7)

Quimby Avenue (Ward 7) — PPN 104-20-049/050 — Margaret Adams per Ord. 709-06
(BOC Res. 578-06) 2439

Board of Control — Land Reutilization Program (Ward 9)

Superior Avenue, 11010-12 (Ward 9) — PPN 120-03-004/005 — Louise Lee per Ord.
1960-05 (BOC Res. 577-06) 2439

Board of Control — Land Sales

PPN 003-01-006 — Parcels A, B, C — Yan Maschke, Hector Vega, Robert Maschke and
Hector Vega — amend BOC Res. 397-03 (BOC Res. 576-06) 2439

Board of Control — Police Division

Meals for prisoners — contract per Ord. 1048-06 to Tom Paige Catering Company — Dept. of
Public Safety (BOC Res. 575-06) 2439

Board of Control — Public Health Department

Cubicles, office — contract per Ord. 1033-05 to Office Max Contracts, Inc. — Division of
Air Quality (BOC Res. 574-06) 2438

Board of Control — Public Safety Department

Meals for prisoners — contract per Ord. 1048-06 to Tom Paige Catering Company —
Division of Police (BOC Res. 575-06)..... 2439

Board of Control — Public Utilities Department

Adjustable valve boxes — contract per C.O. Sec. 129.25 to Ferguson Waterworks —
Division of Water (BOC Res. 573-06) 2438
Adjustable valve boxes — contract per C.O. Sec. 129.25 to National Waterworks, Inc. —
Division of Water (BOC Res. 572-06) 2438
Poles, wood and crossarms — per C.O. Sec. 129.26 — all bids rejected — Division of
Cleveland Public Power (BOC Res. 571-06) 2438

Board of Control — Purchases and Supplies Division

PPN 003-01-006 — Parcels A, B, C — Yan Maschke, Hector Vega, Robert Maschke and
Hector Vega — amend BOC Res. 397-03 (BOC Res. 576-06) 2439

Board of Control — Requirement Contracts

Adjustable valve boxes — contract per C.O. Sec. 129.25 to Ferguson Waterworks —
Division of Water, Dept. of Public Utilities (BOC Res. 573-06) 2438
Adjustable valve boxes — contract per C.O. Sec. 129.25 to National Waterworks, Inc. —
Division of Water, Dept. of Public Utilities (BOC Res. 572-06) 2438
Building materials — contract per Ord. 601-06 to Interstate Safety & Service Co., Inc. —
Dept. of Finance (BOC Res. 568-06)..... 2437
Concrete, ready mix — contract per Ord. 1751-06 to Rockport Construction & Materials —
Dept. of Finance (BOC Res. 570-06)..... 2438
Cubicles, office — contract per Ord. 1033-05 to Office Max Contracts, Inc. — Division of
Air Quality, Dept. of Public Health (BOC Res. 574-06) 2438
Fire extinguishers, refill, repair or replace — contract per Ord. 1618-06 to Gene Ptacek
& Son Fire Equipment Company, Inc. — Dept. of Finance (BOC Res. 569-06)..... 2438
Meals for prisoners — contract per Ord. 1048-06 to Tom Paige Catering Company —
Division of Police, Dept. of Public Safety (BOC Res. 575-06) 2439

Board of Control — Water Division

Adjustable valve boxes — contract per C.O. Sec. 129.25 to Ferguson Waterworks —
Dept. of Public Utilities (BOC Res. 573-06) 2438
Adjustable valve boxes — contract per C.O. Sec. 129.25 to National Waterworks, Inc. —
Dept. of Public Utilities (BOC Res. 572-06) 2438

Board of Zoning Appeals — Report

Pearl Road, 4755, (Ward 16) — ASD Corporation, owner and Sam Shah — appeal to be re-heard
on 1/8/07 (Cal. 06-190) 2440

Board of Zoning Appeals — Schedule

Broadview Road, 4974, (Ward 16) — Patrick Realty Corporation, owner and Thomas
Coyne, agent — appeal to be heard on 1/8/07 (Cal. 06-255) 2440
Quincy Avenue, 7211, (Ward 5) — Robert Rosen, owner — appeal to be heard on 1/8/07
(Cal. 06-247)..... 2440
St. Clair Avenue, 17149, (Ward 11) — All City Recycling, Inc., owner and Lawrence Rich,
agent — appeal to be heard on 1/8/07 (Cal. 06-252) 2440

City of Cleveland Bids

Elevator and escalator maintenance — Department of Parks, Recreation and Properties — Division of Convention Center and Stadium — per Ord. 1455-06 — bid due January 11, 2007 (advertised 12/20/2006 and 12/27/2006)	2447
Flat bed body — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 762-05 — bid due January 12, 2007 (advertised 12/20/2006 and 12/27/2006)	2447
Fork lifts — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 887-06 — bid due January 10, 2007 (advertised 12/20/2006 and 12/27/2006)	2447
Trash receptacles, external explosive containment — Department of Public Safety — Division of Homeland Security — per Ord. 2150-05 — bid due January 12, 2007 (advertised 12/20/2006 and 12/27/2006)	2447

City Planning Commission

E. 105th St., East Blvd., & Wade Park (property bounded by) — change the Use, Area and Height Districts — General Retail Business Use District, a 'D' Area District and a '3' Height District (O 1974-06)	2447
---	------

Codified Ordinances

Taxicabs — new Sec. 443.37 — amend Sects. 443.03, 443.06, & 443.26 — repeal Sec. 443.07 (O 1820-06)	2445
Taxicab Rules and Regulations (F 1820-06-A)	2441

Public Hearings

E. 105th St., East Blvd., & Wade Park (property bounded by) — change the Use, Area and Height Districts — General Retail Business Use District, a 'D' Area District and a '3' Height District (O 1974-06)	2447
---	------

Taxicabs

Taxicabs — new Sec. 443.37 — amend Sects. 443.03, 443.06, & 443.26 — repeal Sec. 443.07 (O 1820-06)	2445
Taxicab Rules and Regulations (F 1820-06-A)	2441

Ward 08

E. 105th St., East Blvd., & Wade Park (property bounded by) — change the Use, Area and Height Districts — General Retail Business Use District, a 'D' Area District and a '3' Height District (O 1974-06)	2447
---	------

Zoning

E. 105th St., East Blvd., & Wade Park (property bounded by) — change the Use, Area and Height Districts — General Retail Business Use District, a 'D' Area District and a '3' Height District (O 1974-06)	2447
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