

# The City Record

Official Publication of the Council of the City of Cleveland



January the Twenty-Fifth, Two Thousand and Twelve

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

**Ward Name**

- 1 Terrell H. Pruitt
- 2 Zachary Reed
- 3 Joe Cimperman
- 4 Kenneth L. Johnson
- 5 Phyllis E. Cleveland
- 6 Mamie J. Mitchell
- 7 TJ Dow
- 8 Jeffrey D. Johnson
- 9 Kevin Conwell
- 10 Eugene R. Miller
- 11 Michael D. Polensek
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Jay Westbrook
- 17 Dona Brady
- 18 Martin J. Sweeney
- 19 Martin J. Keane

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Containing	PAGE
City Council	3
The Calendar	12
Board of Control	12
Civil Service	14
Board of Zoning Appeals	14
Board of Building Standards and Building Appeals	15
Public Notice	18
Public Hearings	18
City of Cleveland Bids	18
Adopted Resolutions and Ordinances	18
Committee Meetings	18
Index	19



# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	3877 East 189th Street	44122
2	Zachary Reed	3734 East 149th Street	44120
3	Joe Cimperman	P.O. Box 91688	44101
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Eugene R. Miller	13615 Kelso Avenue	44110
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Brian J. Cummins	3104 Mapledale Avenue	44109
15	Matthew Zone	1228 West 69th Street	44102
16	Jay Westbrook	1278 West 103rd Street	44102
17	Dona Brady	1272 West Boulevard	44102
18	Martin J. Sweeney	3632 West 133rd Street	44111
19	Martin J. Keane	15907 Colletta Lane	44111

City Clerk, Clerk of Council – Patricia J. Britt, 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  
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development  
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary  
Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability  
Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

### OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

#### DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager  
Engineering and Construction – \_\_\_\_\_, Manager  
Real Estate – \_\_\_\_\_, Commissioner

**DEPT. OF LAW** – Barbara A. Langhenry, Interim Director, \_\_\_\_\_, Chief Counsel,  
Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,  
Room 106; Michael Ruffing, Law Librarian, Room 100

**DEPT. OF FINANCE** – Sharon Dumas, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit

#### DIVISIONS:

Accounts – Lonya Moss Walker, Interim Commissioner, Room 19  
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
City Treasury – \_\_\_\_\_, 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** – Barry A. Withers, Director, 1201 Lakeside Avenue

#### DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – Alex Margevicius, Interim Commissioner  
Water Pollution Control – Rachid Zoghaib, Commissioner

**DEPT. OF PORT CONTROL** – Ricky D. Smith, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

#### DIVISIONS:

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

**DEPT. OF PUBLIC WORKS** – Michael Cox, Director

#### OFFICES:

Administration – John Laird, Manager  
Special Events and Marketing – Tangee Johnson, Manager

#### DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner  
Park Maintenance and Properties – Richard L. Silva, Commissioner  
Parking Facilities – Leigh Stevens, Commissioner  
Property Management – Tom Nagle, Commissioner  
Recreation – Kim Johnson, Commissioner  
Streets – \_\_\_\_\_, Commissioner  
Traffic Engineering – Robert Mavec, Commissioner  
Waste Collection and Disposal – Ron Owens, Commissioner

**DEPT. OF PUBLIC HEALTH** – Karen Butler, Interim Director, Mural Building, 75

Erieview Plaza

#### DIVISIONS:

Air Quality – George Baker, Commissioner  
Environment – Pamela Cross, Commissioner, Mural Building, 75 Erieview Plaza  
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

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

#### DIVISIONS:

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street  
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
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 COMMUNITY DEVELOPMENT** – Daryl Rush, Director

#### DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner  
Fair Housing and Consumer Affairs Office – \_\_\_\_\_, Manager  
Neighborhood Development – Chris Garland, Commissioner  
Neighborhood Services – Louise V. Jackson, Commissioner

**DEPT. OF BUILDING AND HOUSING** – Edward W. Rybka, Director, Room 500

#### DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner  
Construction Permitting – Timothy R. Wolosz, Commissioner

**DEPT. OF HUMAN RESOURCES** – Deborah Southerington, Director, Room 121

**DEPT. OF ECONOMIC DEVELOPMENT** – Tracey A. Nichols, Director, Room 210

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

**COMMUNITY RELATIONS BOARD** – Room 11, Blaine Griffin, Director, Mayor Frank

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

**CIVIL SERVICE COMMISSION** – Room 119, Robert Bennett, President; Michael L. Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael Flickinger.

**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: Mary Haas McGraw, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, 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** – Interim Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

**BOARD OF SIDEWALK APPEALS** – Service Director Jonmarie Wasik, Interim Law Director Barbara A. Langhenry; Council Member Eugene R. Miller.

**BOARD OF REVIEW** – (Municipal Income Tax) – Interim Law Director Barbara A. Langhenry; Utilities Director Barry A. Withers; Council President Martin J. Sweeney.

**CITY PLANNING COMMISSION** – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

**FAIR HOUSING BOARD** – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L. Render, Genesis O. Brown.

**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** – Interim Law Director Barbara A. Langhenry; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley.

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

**CLEVELAND LANDMARKS COMMISSION** – Room 519 – Jennifer Coleman, Chair; Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey, Allan Dreyer, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert Keiser, Secretary.

**AUDIT COMMITTEE** – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Interim Law Director Barbara A. Langhenry.

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

### Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A  
Judge Pinkey S. Carr – Courtroom 12A  
Judge Marilyn B. Cassidy – Courtroom 12B  
Judge Michelle Denise Earley – Courtroom 12C  
Judge Emanuella Groves – Courtroom 14B  
Judge Anita Laster Mays – Courtroom 14C  
Judge Lauren C. Moore – Courtroom 14A  
Judge Charles L. Patton, Jr. – Courtroom 13D  
Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B  
Judge Michael John Ryan – Courtroom 13A  
Judge Angela R. Stokes – Courtroom 15C  
Judge Pauline H. Tarver – Courtroom 13C  
Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J. Mizerak – Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate, Victor Perez – City Prosecutor

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 99

WEDNESDAY, JANUARY 25, 2012

No. 5120

## CITY COUNCIL

MONDAY, JANUARY 23, 2012

The City Record  
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City of Cleveland  
The City Record is available  
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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

#### MONDAY — Alternating

9:30 A.M. — **Public Parks, Properties, and Recreation Committee:** K. Johnson, Chair; Conwell, Vice Chair; Brancatelli, Cimperman, Dow, Polensek, Reed.

9:30 A.M. — **Health and Human Services Committee:** Cimperman, Chair; J. Johnson, Vice Chair; Conwell, Keane, Kelley, Reed, Zone.

11:00 A.M. — **Public Service Committee:** Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney.

11:00 A.M. — **Legislation Committee:** Mitchell, Chair; K. Johnson, Vice Chair; Brancatelli, Cimperman, Cleveland, Reed, Sweeney.

#### MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

#### TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action and Training Committee:** Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, K. Johnson, Westbrook.

#### WEDNESDAY — Alternating

10:00 A.M. — **Aviation and Transportation Committee:** Keane, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Kelley, Mitchell.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Miller, Mitchell, Zone.

#### WEDNESDAY — Alternating

1:30 P.M. — **Public Utilities Committee:** Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook.

1:30 P.M. — **City Planning Committee:** Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone.

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

**Rules Committee:** Sweeney, Chair; Cleveland, Keane, Polensek, Pruitt.

**Personnel and Operations Committee:** Westbrook, Chair; Conwell, K. Johnson, Kelley, Mitchell, Sweeney, Zone.

**Mayor's Appointment Committee:** Dow, Chair; Cleveland, Kelley, Miller, Sweeney.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 23, 2012

The meeting of the Council was called to order, the President, Martin J. Sweeney, in the Chair.

Council Members present: Brady, Brancatelli, Cleveland, Conwell, Cummins, Dow, J. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Reed, Sweeney, Westbrook and Zone.

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Chris Warren, Chief of Regional Development, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Junita McGowan, Chief of Sustainability, Natoya J. Walker Minor, Chief of Public Affairs, and Interim Law Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Butler, Cox, Rush, Rybka, Southerington, Nichols, Griffin, Brown, Fumich and Ambrose.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Assistant Pastor Kyle Earley of Mt. Sinai Baptist Church, 7510 Woodland Avenue, located in Ward 5. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

**File No. 86-12.**  
From Director of Department of Aging — Notification of acceptance of a grant in the amount of \$1,000.00 from the Western Reserve Area Agency on Aging (WRAAA) to sup-

port the 2012 Medicare Improvements for Patients and Providers Act (MIPPA) Beneficiary Outreach and Assistance Program. Received.

#### File No. 87-12.

From Michael J. Negray, Cleveland Municipal Court — Requesting Judge Pinkey S. Carr be added to the Directory of City Officials in the City Record. Received.

#### OATH OF OFFICE

#### File No. 88-12.

Alex Margevicius — Interim Commissioner of Division of Water. Received.

#### File No. 89-12.

Jenita McGowan — Executive Assistant to the Mayor, Chief of Sustainability. Received.

#### File No. 90-12.

David Reines — Executive Director of Workforce Investment Board. Received.

#### File No. 91-12.

Thomas E. Vanover — Commissioner of Division of Code Enforcement, Department of Building and Housing. Received.

#### PLAT

#### File No. 92-12.

Council Member Brancatelli (Ward 12).

Request for Plat Review and Approval @ Morgana Run Phase One. Subdivision and Dedication Plat, East 71st Street, East 72nd Street, Aetna Road, Proposed Gerome Drive, Proposed Garland Court.

Approved by Director of City Planning; Referred to Committees on City Planning and Public Service.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

#### File No. 93-12.

Re: #8194664 — D1, D2, D3, D3A, D6 Transfer of Ownership and Location Application — Sipp & Chatt, Inc., 16800 Miles Road. (Ward 1). Received.

#### File No. 94-12.

Re: #6568043 — D1, D2 Transfer of Location Application — Orale, Inc., 1834 West 25th Street. (Ward 3). Received.

#### File No. 95-12.

Re: #1970617 — D1, D2, D3, D3A Transfer of Ownership Application — David's Deli Eaton Center, Inc., d.b.a., David's Grill, Unit M1 and Patio, 1001 Lakeside Avenue. (Ward 3). Received.

**File No. 96-12.**

Re: #6430433 — D1, D2, D3, D3A Transfer of Location Application — 1909 W25, LLC, 1909 West 25th Street. (Ward 3). Received.

**File No. 97-12.**

Re: #01007780326 — C1, C2, D6, Transfer of Ownership and Location Application — Aldi, Inc, Ohio, d.b.a., Aldi, #66, 7500 Euclid Avenue. (Ward 7). Received.

**File No. 98-12.**

Re: #6550485 — C1, C2 Transfer of Ownership Application — 10813 R & T, Inc., 10813 St. Clair Avenue. (Ward 9). Received.

**File No. 99-12.**

Re: #6481710 — D5, D6 Transfer of Ownership Application — Nu Way, LLC, d.b.a., Winners Sports Club & Grill, 770 East 185th Street. (Ward 11). Received.

**File No. 100-12.**

Re: #7093275 — D1, D2, D3, D3A Transfer of Ownership Application — Professional Tavern Management LLC, d.b.a., Coach's Place, 1st floor and basement, 19003 St. Clair Avenue. (Ward 11). Received.

**CONDOLENCE RESOLUTIONS**

The rules were suspended and the following Resolutions were adopted by a rising vote:

**Res. No. 101-12**—Helen Corley.

**Res. No. 102-12**—Betty N. Arnold.

**Res. No. 103-12**—Wyllie Neal, Jr.

**Res. No. 104-12**—Thomas (Butch) Horace Frierson.

**Res. No. 105-12**—Jovan Coleman.

**Res. No. 106-12**—Cylestine Floyd.

**Res. No. 107-12**—Frederick Martin Mone, Sr.

**CONGRATULATIONS RESOLUTIONS**

The rules were suspended and the following Resolutions were adopted without objection:

**Res. No. 108-12**—Michael Healey.

**Res. No. 109-12**—Donald T. Mish-eff.

**RECOGNITION RESOLUTIONS**

The rules were suspended and the following Resolutions were adopted without objection:

**Res. No. 110-12**—Judge Jean Murrell Capers.

**Res. No. 111-12**—Vietnamese Community of Greater Cleveland, Inc. / "Year of the Dragon".

**Res. No. 112-12**—Leonard Diasio.

**WELCOME RESOLUTION**

The rules were suspended and the following Resolution was adopted without objection:

**Res. No. 113-12**—Derrick Fulton.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 70-12.**

**By Council Members J. Johnson, Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Dealer Tire, LLC, to**

**encroach into the public right-of-way of Perkins Avenue by installing, using, and maintaining a Guard House addition.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Dealer Tire, LLC, 3711 Chester Avenue, Cleveland, Ohio 44114 ("Permittee"), to encroach into the public right-of-way of Perkins Avenue by installing, using, and maintaining a Guard House addition, at the following location:

**DESCRIPTION OF GUARDHOUSE ENCROACHMENT INTO THE RIGHT-OF-WAY OF PERKINS AVENUE**

Situated in the State of Ohio, County of Cuyahoga, City of Cleveland, being part of Original 10 Acre Lot No's 92 and 93, and more fully described as follows:

Commencing for Reference at a point on the southerly right-of-way line of Perkins Avenue, 70 feet wide, at the northwesterly corner of the Lot Consolidation for Dealer Commerce, LTD, as recorded in Volume 346, Page 59 of the Cuyahoga County Map Records; Thence, South 89°56'34" East, along the southerly right-of-way line of Perkins Avenue, a distance of 139.13 feet to the TRUE PLACE OF BEGINNING of the Encroachment Permit herein to be described;

**Course No. 1.**

Thence, North 00°03'26" East, a distance of 3.00 feet to a point;

**Course No. 2.**

Thence, South 89°56'34" East, parallel to the southerly line of Perkins Avenue, a distance of 12.00 feet to a point;

**Course No. 3.**

Thence, South 00°03'26" West, a distance of 3.00 feet to the southerly right-of-way line of Perkins Avenue;

**Course No. 4.**

Thence, North 89°56'34" West, along said southerly line, a distance of 12.00 feet to the beginning, containing 36 square feet of land, more or less, as prepared by McSteen and Associates in December of 2011 under Project Number 11-252, and is subject to all legal highways and easement of record.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

**Section 2.** That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

**Section 3.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified

the City against any loss that may result from the encroachment(s) permitted.

**Section 4.** That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Ord. No. 71-12.**

**By Council Members K. Johnson, Mitchell, Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Miceli-Lograsso Development Company IV LLC, to encroach into the public right-of-way above East 90th Street by installing, using, and maintaining a pedestrian bridge and a small pipe trestle that will carry milk product from their new Milk Unloading building to their existing manufacturing facility.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Miceli-Lograsso Development Company IV LLC, 2721 East 90th Street, Cleveland, Ohio 44104 ("Permittee"), to encroach into the public right-of-way above East 90th Street by installing, using, and maintaining a pedestrian bridge and a small pipe trestle that will carry milk product from their new Milk Unloading building to their existing manufacturing facility; at the following locations:

**Pipe Trestle Encroachment**

Legal Description (0.0069 Acres)

The following strip of land being 6.00 feet in uniform width, situated in part of the City of Cleveland, County of Cuyahoga, State of Ohio, and being a parcel of land bounded and described as follows:

Commencing at the Northwest Corner of Lot No. 10 in E. Sells' Subdivision as recorded in Volume 4, Page 46 of Cuyahoga County Map Records;

Thence South 30°00'00" West, along the Northwesterly line of said Lot No. 10, also being the Southeasterly right-of-way line of East 90th Street, a distance of 34.15 feet to The Point of Beginning;

Thence South 30°00'00" West, continuing along the Northwesterly line of said Lot No. 10 and Lot No. 11, also being the Southeasterly right-of-way line of East 90th Street, a distance of 6.00 feet to a point;

Thence North 60°06'02" West, a distance of 50.42 feet to a point on the Southeasterly line of Lot. No. 52, also being the Northwesterly right-of-way line of said East 90th Street;

Thence North 30°00'00" East, along the Southeasterly line of said Lot No. 52 and Lot No. 53, also being the Northwesterly right-of-way line of said East 90th Street a distance of 6.00 feet to a point;

Thence South 60°06'02" East, a distance of 50.42 feet to the Point of Beginning, enclosing 0.0069 acres of

land, Subject to all Legal Highways, Easements and Restrictions Written or Recorded.

The clearance from the crown in the road to the bottom of the bridge is 16' 0".

The distance from the crown in the road to the top of the encroachment is 22' 0".

This Legal Description was prepared by Poggemeyer Design Group, Inc.

**Pedestrian Bridge Encroachment  
Legal Description (0.0178 Acres)**

The following strip of land being 15.00 feet in uniform width, situated in part of the City of Cleveland, County of Cuyahoga, State of Ohio, and being a parcel of land bounded and described as follows:

Commencing at the Northwest Corner of Lot No. 8 in E. Sells' Subdivision as recorded in Volume 4, Page 46 of Cuyahoga County Map Records;

Thence South 30°00'00" West, along the Northwesterly line of said Lot No. 8, also being the Southeasterly right-of-way line of East 90th Street, a distance of 26.80 feet to The Point of Beginning;

Thence South 30°00'00" West, continuing along the Northwesterly line of said Lot No. 8 and Lot No. 9, also being the Southeasterly right-of-way line of East 90th Street, a distance of 15.00 feet to a point;

Thence North 60°06'02" West, a distance of 50.42 feet to a point on the Southeasterly line of Lot No. 54, also being the Northwesterly right-of-way line of said East 90th Street;

Thence North 30°00'00" East, along the Southeasterly line of said Lot No. 54 and Lot No. 55, also being the Northwesterly right-of-way line of said East 90th Street a distance of 15.00 feet to a point;

Thence South 60°06'02" East, a distance of 50.42 feet to the Point of Beginning, enclosing 0.0178 acres of land, Subject to all Legal Highways, Easements and Restrictions Written or Recorded.

The clearance from the crown in the road to the bottom of the bridge is 16' 0".

The distance from the crown in the road to the top of the encroachment is 36' 0".

This Legal Description was prepared by Poggemeyer Design Group, Inc.

Legal Descriptions approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

**Section 2.** That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

**Section 3.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 4.** That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Ord. No. 72-12.**

**By Council Member J. Johnson.  
An emergency ordinance designating Fenn Tower (also known as the National Town and Country Club) as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Fenn Tower (also known as the National Town and Country Club) as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 8, 2011 to discuss the proposed designation of Fenn Tower (also known as the National Town and Country Club) as a landmark; and

Whereas, the Commission has recommended designation of Fenn Tower (also known as the National Town and Country Club) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

**Section 1.** That Fenn Tower (also known as the National Town and Country Club), whose street address in the City of Cleveland is 1983 East 24th Street, also known as 2401-07 Euclid Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Number is 103-04-008, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being parts of Original Ten Acre Lot Numbers 82 and 83, and further bounded and described as follows:

Beginning on the Northerly line of Euclid Avenue (99 feet wide) at its intersection with the former centerline of East 24th Street (60 feet wide) now vacated as shown by the recorded plat in Volume 210 of Maps, Page 13 of Cuyahoga County Records, from which point a stone monument was found South 8°27'44" East, 0.05 feet;

**Course No. 1.**

Thence North 8°27'44" West along said former centerline of East 24th Street, now vacated, 228.00 feet to its point of intersection with the Westerly prolongation of the Northerly line of Parcel Number 4 of land conveyed to the State of Ohio by deed dated November 1, 1965 and recorded in Volume 11664, Page 661 of Cuyahoga County Records;

**Course No. 2.**

Thence North 81°19'59" East along said Westerly prolongation and the

Northerly line of Parcel Number 4, 113.25 feet to the Northeasterly corner thereof;

**Course No. 3.**

Thence South 8°27'44" East along the Easterly line of said Parcel Number 4, 228.00 feet to the Northerly line of said Euclid Avenue;

**Course No. 4.**

Thence South 81°19'59" West along said Northerly line of Euclid Avenue, 113.25 feet to the place of beginning, containing 25,821 square feet (0.5928 acres), according to a survey made in November, 2004 by Garrett & Associates, Inc., Registered Engineers and Surveyors, be the same more or less, but subject to all legal highways,

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

**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.

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Finance.

**Ord. No. 73-12.**

**By Council Members Keane and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to employ one or more consultants, computer software developers, system integrators, and project managers necessary to design, develop, and implement a converged communications system project for the Cleveland Airport System; and authorizing one or more requirement contracts for hardware, software, computer supplies, and other necessary supplies, equipment, and services to implement the converged communications system project for a period of one year with one option to renew for an additional one year period, exercisable by the Director of Port Control, for the Department of Port Control.**

Whereas, the Cleveland Airport System currently operates certain discrete, inefficient, and/or obsolete information technology, communications and other related systems serving Airport System customers; and

Whereas, the City desires to improve Airport System customer service, public safety, Americans with Disability Act (ADA) compliance, and to enhance airport productivity and operational efficiency, and augment generation of non-aeronautical revenues in support of the System's strategic goal of becoming the "Best Performing Organization in the Industry"; and

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

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

**Section 1.** That the Director of Port Control is authorized to employ by contract or contracts one or more con-

sultants, computer software developers or vendors, systems integrators, and/or project managers, or one or more firms of consultants, computer software developers or vendors, systems integrators, and/or project managers, for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide professional services necessary to design, develop, and implement a converged communications system project for the Cleveland Airport System, including, but not limited to, installation, integration, migration, testing, training, and providing maintenance, technical support and other related services, acquisition of equipment, hardware, software and software licenses, and/or development necessary to update, upgrade, enhance, interface, and integrate various information technology systems at and for the Airport System including, but not limited to, customer-facing systems such as flight and baggage display, audio and visual paging, network and telephony infrastructure, and safety and service systems supporting the Airport Operations Center, and other associated professional services, for the Department of Port Control.

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

**Section 2.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of hardware, software, computer supplies, and other necessary supplies, equipment, and services which are not covered under the professional services contract authorized by this ordinance, necessary to implement the converged communications system project, including maintenance on the above for a period of one year, with one option to renew for an additional one-year period, cancelable by the Director of Port Control on thirty days' written notice, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 3.** That the costs of the contract or contracts be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts

certified by the Director of Finance.

**Section 4.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 5.** That the Director of Port Control is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

**Section 6.** That the cost of the professional services shall be paid from Fund Nos. 60 SF 001, 60 SF 114, and from the fund or funds to which are credited the proceeds of any future Airport Revenue bonds issued for this purpose, RQS 3001, RL 2012-7.

**Section 7.** 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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

#### Ord. No. 74-12.

**By Council Members Cimperman, Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to execute a deed of easement granting to the Greater Cleveland Regional Transit Authority certain easement rights on portions of Market Square Park adjoining both West 25th Street and Lorain Avenue and declaring the easement rights not needed for public use.**

Whereas, the Greater Cleveland Regional Transit Authority ("RTA") has requested the Department of Public Works to convey certain easement rights on portions of Market Square Park adjoining both West 25th Street and Lorain Avenue; and

Whereas, RTA requires the easement to install bus shelters and electrical conduits; and

Whereas, the easement rights to be granted are not needed for public use; and

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

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

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for public use:

#### GCRTA EASEMENT AT MARKET SQUARE

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of land known as "Market Square" property in James Webster's Allotment of Original Brooklyn Township Lot Number 69 as shown by the recorded plat in Volume 10 of Maps, Page 14 of the Cuyahoga County Records and described as follows:

Beginning at an iron pin in a monument box in the centerline of W. 25th

Street (82.50 feet wide), said pin also being along the south right-of-way line of Lorain Avenue (66 feet wide);

Thence, N 33°57'04" W along the centerline of W. 25th Street, a distance of 33.00 feet to a point, said point being at the intersection of the centerlines of W. 25th Street and Lorain Avenue;

Thence, S 56°18'16" W along the centerline of Lorain Avenue, a distance of 41.40 feet to a point;

Thence, N 33°41'44" W a distance of 33.00 feet to a point at the intersection of the northerly right-of-way line of Lorain Avenue and the westerly right-of-way line of West 25th Street, said point also being the true point of beginning for the easement herein described;

Course 1.

Thence, S 56°18'16" W along the said northerly right-of-way line of Lorain Avenue and parallel to the centerline, a distance of 90.00 feet to a point;

Course 2.

Thence, N 33°41'44" W along a line perpendicular to the northerly right-of-way line of Lorain Avenue, a distance of 24.00 feet to a point;

Course 3.

Thence, N 56°18'16" E along a line parallel with the centerline of Lorain Avenue, a distance of 69.89 feet to a point;

Course 4.

Thence, N 33°57'04" W along a line parallel with the centerline of West 25th Street, a distance of 41.91 feet to a point;

Course 5.

Thence, N 56°02'56" E along a line perpendicular to the westerly right-of-way line of West 25th Street, a distance of 20.00 feet to a point;

Course 6.

Thence, S 33°57'04" E along said westerly right-of-way line of West 25th Street, a distance of 66.00 feet to the true point of beginning, containing 0.069 acres (2,997.74 square feet) of land, more or less, subject to all legal right of ways and easements of records, as previously recorded. Bearings are to an assumed meridian and used to depict angles only.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive easement to RTA, subject to any conditions stated in this ordinance, at a price determined by the Board of Control to be fair market value.

**Section 3.** That the easement shall be non-exclusive and the purpose of the easement shall be to install bus shelters and electrical conduits.

**Section 4.** That the duration of the easement shall be perpetual; that the easement may include reasonable right of entry rights to the City; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement may require that RTA indemnify the City and provide reasonable insurance, and shall require RTA to maintain any RTA improvements located within the easement and pay any applicable taxes and assessments.

**Section 5.** That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The

deed of easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the installation of bus shelters and electrical conduits in Market Square Park on portions on both West 25th Street and Lorain Avenue within the property described in this ordinance.

**Section 6.** 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.

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Ord. No. 75-12.**

**By Council Members Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the CDBG Year 38 under the Title I of the Housing and Community Development Act of 1974, for the 2012 Federal HOME Investment Partnerships Act Program, Emergency Shelter Grant Program, and the Housing Opportunities for Persons with AIDS Program.**

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

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

**Section 1.** That the Director of Community Development is authorized to apply for and accept grants from the U. S. Department of Housing and Urban Development (HUD) in the following approximate amounts: \$20,097,565 to conduct the 2012 Year 38 Community Development Block Grant Program; \$3,996,953 to conduct the Federal HOME Investment Partnerships Act Program; \$1,049,680 to conduct the Emergency Shelter Grant Program; and \$900,000 for the Housing Opportunities for Persons with AIDS (HOPWA) Program, for the purposes set forth in the budgets and according thereto and in compliance with the requirements of Title I of the Housing and Community Development Act of 1974 and applicable rules and regulations. That the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the grants, and that the funds are appropriated for the purposes set forth in the budgets for the grants.

**Section 2.** That the budgets for the grants, placed in File No. 75-12-A, made a part hereof as if fully rewritten herein, are approved in all respects.

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

Referred to Directors of Community Development, Finance, Law; Commit-

tees on Community and Economic Development, Finance.

**Ord. No. 76-12.**

**By Council Members Brancatelli, Mitchell and Sweeney (by departmental request).**

**An emergency ordinance to amend Sections 4, 5, and 9 of Ordinance No. 856-07, passed May 21, 2007, relating to establishing the City of Cleveland as a Community Reinvestment Area under Section 3735.65 et seq. of the Ohio Revised Code.**

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 4, 5, and 9 of Ordinance No. 856-07, passed May 21, 2007, are amended to read as follows:

**Section 4.** That effective January 1, 2010, all owners of real property in the Community Reinvestment Area that file an application with the Housing Officer for an exemption from real property taxation, must demonstrate that new construction or remodeling meets the City's Cleveland Green Building Standard found in the *Cleveland Green Building Standard Handbook*, effective January 28, 2010, and which may be amended or updated from time to time by the Department of Community Development, in order to be eligible for residential tax abatement.

**Section 5.** That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as Housing Officer, as defined by Section 3735.65 et seq. of the Ohio Revised Code, for the Community Reinvestment Area described above and shall administer all activities carried out under Section 3735.65 et seq. of the Ohio Revised Code and this ordinance.

**Section 9.** That the Community Reinvestment Area described in this ordinance shall expire on June 4, 2017, unless an extension is authorized by an amendment of Cleveland City Council.

**Section 2.** That existing Sections 4, 5, and 9 of Ordinance No. 856-07, passed May 21, 2007, 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.

Referred to Directors of Community Development, Finance, Law; Committees on Community and Economic Development, Legislation, Finance.

**Ord. No. 77-12.**

**By Council Members Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Directors of Community Development and Economic Development to enter into an amendment to Contract No. 57841 with Fries & Schuele, Ltd. to change the loan maturity date from June 1, 2012 to June 1, 2014.**

Whereas, under Ordinance No. 219-01, passed March 19, 2001, this Council authorized the Directors of Economic Development and Community Development to enter into a Neighborhood Development Investment Fund Contract with Fries & Schuele, Ltd. and Carol Development, Ltd. to provide economic development assistance to

partially finance the rehabilitation of the Fries & Schuele Building and the construction of a mixed-use condominium and parking structure adjacent to the Fries & Schuele Building, located in Cleveland, Ohio ("Borrower"); and

Whereas, under Ordinance No. 605-10, passed June 7, 2010, this Council authorized an amendment to the Fries & Schuele, Contract No. 57841; and

Whereas, an additional amendment is necessary; 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 Directors of Community Development and Economic Development are authorized to enter into an amendment to Contract No. 57841 and any collateral documents with Fries & Schuele, Ltd to extend the loan term from 11 to 13 years and to extend the loan maturity date from June 1, 2012 to June 1, 2014.

**Section 2.** That the amendment and all related documents will be prepared by the Director of Law

**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.

Referred to Directors of Community Development, Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 78-12.**

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

**An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for environmental assessment and remediation regarding the property at 2151 Scranton Road; and authorizing the Director to enter into one or more contracts with Scranton Averell, Inc., or its designee, and/or Ferry Cap & Set Screw Co., or its designee, and authorizing one or more professional consultants who employ an Ohio VAP-Certified professional to provide professional services necessary to implement the grant project.**

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

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

**Section 1.** That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$300,000, from the State of Ohio Department of Development, or its successor or designee, for environmental assessment and remediation regarding the property at 2151 Scranton Road, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below and in any subse-

quent grant amendments, which amendments will be filed with Council.

**Section 2.** That the executive summary for the grant, File No. 78-12-A, A made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Economic Development is authorized to enter into one or more contracts with Scranton Averell, Inc., or its designee, and/or Ferry Cap & Set Screw Co., or its designee, to implement the grant project.

**Section 4.** That the Director of Economic Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant project.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Economic Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Economic Development for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.

**Section 5.** That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Economic Development, and certified by the Director of Finance.

**Section 6.** That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

**Section 7.** 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.

Referred to Directors of Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 79-12.**  
**By Council Members K. Johnson, Mitchell, and Sweeney (by departmental request).**

**An emergency ordinance to amend Section 1 of Ordinance No. 1578-11, passed December 5, 2011, relating to one or more concession agreements for the operation of first-class food and beverage service in connection with renting the Rotunda in City Hall.**

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

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

**Section 1.** That Section 1 of Ordinance No. 1578-11, passed December 5, 2011, is amended to read as follows:

**Section 1.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public

Works is authorized to enter into a Concession Agreement on the basis of competitive proposals for the operation of first-class food and beverage service in connection with renting the Rotunda in City Hall under Section 131.081 of the Codified Ordinances and for marketing the rental of the Rotunda for catered events, for a period not to exceed two years, with a one-year option to renew exercisable by the Director of Public Works. The selection of the concessionaire or concessionaires shall be made by the Board of Control on the nomination of the Director of Public Works. The concession fee to be paid to the City shall be fixed by the Board of Control.

**Section 2.** That existing Section 1 of Ordinance No. 1578-11, passed December 5, 2011, is 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.

Referred to Directors of Public Works, Finance, Law; Committees on Public Parks, Properties, and Recreation, Legislation, Finance.

#### FIRST READING EMERGENCY RESOLUTION REFERRED

**Res. No. 80-12.**  
**By Council Members Zone, Miller, Cleveland and Sweeney (By Request).**

**An emergency resolution declaring the intent to vacate a portion of West 68th Street.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 68th Street, as described; 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 this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot Number 34 further described as follows:

All that portion of West 68th Street (50.00 feet wide) extending southerly from the southerly right of way line of Camden Avenue (30.00 feet wide) also being the easterly prolongation of the northerly line of sub lot 160 in the James M. Hoyt & Sons Allotment as shown in volume 5, page 55 of Cuyahoga County Map Records to its southerly terminus.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

**Section 2.** That this resolution 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 adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

#### FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

**Ord. No. 67-12.**  
**By Council Members Dow, K. Johnson, Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to accept a grant from the Ohio Cultural Facilities Commission for improvements to League Park; and to amend Section 10 of Ordinance No. 607-10, passed June 7, 2010, relating to the public improvement and professional services contracts to improve League Park.**

Whereas, under Ordinance No. 607-10, passed June 7, 2010, this Council authorized the public improvement of constructing, rehabilitating, renovating, replacing, or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, including League Park; and

Whereas, Ordinance No. 607-10 also authorized professional architectural, landscape architectural, engineers, and other consultants necessary to effectuate the public improvements; and

Whereas, under this current ordinance, the Director of Capital Projects is accepting a grant in the amount of \$150,000, plus the City is obligating an additional \$150,000 towards improving League Park; and

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

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

**Section 1.** That the Director of Capital Projects is authorized to accept a grant in the amount of \$150,000, from the Ohio Cultural Facilities Commission for improvements to League Park; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 67-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$150,000 from Fund No. 20 SF 523, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That Section 10 of Ordinance No. 607-10, passed June 7, 2010, is amended to read as follows:

**Section 10.** That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of subordinate lien income tax bonds authorized by Ordinance No. 458-10, passed April 26, 2010, if the City sells such bonds, and from Fund Nos. 20 SF 377, 20 SF 381, 20 SF 392, 20 SF 382, 20 SF 391, 20 SF 501, 20 SF 503, 20 SF 504, 20 SF 508, 20 SF 509, 20 SF 516, 20 SF 517, 20 SF 523, and from the fund or funds to which are credited the grant proceeds accepted in the amount of \$150,000 from the Ohio Cultural Facilities Commission for improvements to League Park and the cash match, and from any other funds appropriated for this purpose.

**Section 4.** That Section 10 of Ordinance No. 607-10, passed June 7, 2010, is repealed.



**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 68-12.**

**By Council Members Cleveland, Brancatelli and Sweeney (by department request).**

**An emergency ordinance authorizing the Director of Community Development to apply for and accept a 2012 GRO1000 Garden and Green Space Grant from the United States Conference of Mayors to develop Gateway Park to be located on a vacant land bank lot at East 82nd and Kinsman Avenue; and authorizing the Director to enter into one or more contracts with one or more non-profit agencies to implement the grant.**

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

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

**Section 1.** That the Director of Community Development is authorized to apply for and accept a 2012 GRO1000 Garden and Green Space Grant in the amount up to \$15,000, from the United States Conference of Mayors to develop Gateway Park to be located on a vacant land bank lot at East 82nd and Kinsman Avenue; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 68-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland, if required under the grant application, to provide cash matching funds up to \$10,000 from Fund No. 19 SF 628, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Community Development is authorized to enter into one or more contracts with one or more non-profit agencies to implement the grant as described in the file.

**Section 4.** That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and Fund No. 19 SF 628.

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 69-12.**

**By Council Member J. Johnson.**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Cleveland State University to encroach into the public right-of-way of Euclid Avenue by installing, using, and maintaining a Light Tower Campus Marker.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Cleveland State University, 2121 Euclid Avenue, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public right-of-way of Euclid Avenue by installing, using, and maintaining a Light Tower Campus Marker at the following location:

**LIGHT TOWER ENCROACHMENT**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Ten Acre Lot Number 59 and being further bounded and described as follows: Beginning at a 1 inch iron pin monument found at the intersection of the centerline of East 30th Street, and the centerline of Euclid Avenue, 99 feet wide; Thence along the centerline of said Euclid Avenue South 80°55'35" West, a distance of 941.44 feet to a point; Thence South 09°04'25" East, a distance of 37.73 feet to the PRINCIPAL PLACE OF BEGINNING of the herein described permit area:

**Course 1.**

Thence South 53°14'22" East, a distance of 4.00 feet to a point;

**Course 2.**

Thence South 36°01'13" West, a distance of 4.00 feet to a point;

**Course 3.**

Thence North 53°14'22" West, a distance of 4.00 feet to a point;

**Course 4.**

Thence North 36°01'13" East, a distance of 4.00 feet to the Principal Place of Beginning and containing 16 square feet of land, according to a survey by Christopher J. Dempsey, Professional Surveyor No. 6914, Dempsey Surveying Company dated January 6, 2012.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

**Section 2.** That Permittee may assign the permit only with the prior written consent of the Director of the Office of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

**Section 3.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 4.** That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 81-12.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to make certain specified global changes in the Codified Ordinances of Cleveland, Ohio, 1976.**

Whereas, the Clerk of Council has engaged American Legal Publishing Corporation to print the hard copy and on-line version of the Codified Ordinances of Cleveland, Ohio, 1976; and

Whereas, the Clerk of Council has determined that certain style and formatting changes to the codified ordinances are needed to update the code so that it is gender neutral and to ensure that formatting is consistent throughout the code; 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 Clerk of Council, is authorized to make certain global changes to the Codified Ordinances of Cleveland, Ohio, 1976 in its 2012 printing and the on-line version of those ordinances, by instructing American Legal Publishing Corporation to make the following changes, and during the term of its contract to continuously make these changes as needed in future printed and on-line versions of the Code, unless otherwise directed by the Clerk; changing any references from "he" to read "he or she", and otherwise making the document "gender neutral"; italicizing all division captions; making all numbers, including percentages and dollar amounts, with the numbers in words first followed by the numerical number in parentheses; inserting the section symbol in front of each section number that heads the section; changing punctuation at the end of lists to semi-colons; placing hard returns between divisions; and changing all lists containing "dot leaders" to table form.

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

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 85-12.****By Council Member J. Johnson.**

**An emergency ordinance naming the tennis courts at Rockefeller Park located at Martin Luther King, Jr. Drive and East 105th Street "The Judge Jean Murrell Capers Tennis Courts at Rockefeller Park".**

Whereas, Judge Jean Murrell Capers was born on January 11, 1913 in Georgetown, Kentucky, the third of five children of the late Edward W. and Dolly Ferguson Murrell; and

Whereas, Judge Jean Murrell Capers attended Cleveland's Central High School, where she not only excelled in academics, but was also a great athlete in various sports. She was an amateur tennis champion who played at the Rockefeller Park courts. She is also an original member of the Forest City Tennis Club; and

Whereas, at the age of 16, she entered college where she continued to excel in academics and graduated from Western Reserve University's School of Education. She taught elementary school for WHEREAS, Judge Jean Murrell Capers was born on January 11, 1913 in Georgetown, Kentucky, the third of five children of the late Edward W. several years in the Cleveland Public School System; and

Whereas, in the early years, after observing inadequacies in her community, she sought and won election to Cleveland City Council in 1949 where she served as Chair of the City Planning Committee and as a member of the Committee on Public Welfare; and

Whereas, still sensing the need for improvements in her community and that she would be just the right person to make some positive changes, Judge Capers attended John Marshall School of Law at night while serving as a Council member and received her Law degree. Her hard work and dedication to her community eventually led to her being appointed by Governor James Rhodes as a Municipal Court Judge; and

Whereas, in 1946, Judge Capers was appointed to the City of Cleveland Prosecutor's Office as the first African-American woman to be appointed and resigned in 1949 when elected to City Council. She was later appointed to the Office of the Attorney General where she served from 1960 through 1964 and continued in the private practice of law. After 32 years in the practice of law in January 1977, Governor Rhodes appointed Judge Capers to the Cleveland Municipal Court where she served faithfully until her retirement in January, 1986, and returned to the private practice of law; and

Whereas, Judge Capers, at the age of 87, although retired, still practices law and continues to serve her community where she has resided most of her adult life and her church. Her goal in life was never to make money practicing law, but to help the people who needed help and were able to pay with just their pocket change; and

Whereas, in addition to a number of accomplishments, Judge Capers has either founded or helped organize many political groups committed to the upward mobility of women regardless of color or political persuasion; and

Whereas, this Council recognizes, respects, and admires Judge Jean Murrell Capers for her deep concern for the welfare of her fellow citizens, and wishes her continued success and happiness; and

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of public peace,

property, health or safety, now, therefore,

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

**Section 1.** That the tennis courts at Rockefeller Park located at Martin Luther King, Jr. Drive and East 105th Street shall be named "The Judge Jean Murrell Capers Tennis Courts at Rockefeller Park."

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

Motion to suspend rules, Charter, and statutory provisions and place on final passage.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**

**Res. No. 82-12.****By Council Member K. Johnson.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 11201 Forest Avenue and repealing Resolution No. 1557-11, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 11201 Forest Avenue by Resolution No. 1557-11 adopted by the Council on October 31, 2011; and

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

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

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

**Section 1.** That objection to a New C1 Liquor Permit to Craig Goins, DBA Bailey's Corner, 11201 Forest Avenue, Cleveland, Ohio 44104, Permanent Number 3242965 be and the same is hereby withdrawn and Resolution No. 1557-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 83-12.****By Council Member Polensek.**

**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit at 770 East 185th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of

ownership of D5 and D6 Liquor Permit from Winners on 185th, LLC, DBA Winners Sports Club & Grill, 770 East 185th Street, Cleveland, Ohio 44119, Permanent Number 9710420 to Nu Way, LLC, DBA Winners Sports Club & Grill, 770 East 185th Street, Cleveland, Ohio 44119, Permanent Number 6481710; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of D5 and D6 Liquor Permit from Winners on 185th, LLC, DBA Winners Sports Club & Grill, 770 East 185th Street, Cleveland, Ohio 44119, Permanent Number 9710420 to Nu Way, LLC, DBA Winners Sports Club & Grill, 770 East 185th Street, Cleveland, Ohio 44119, Permanent Number 6481710; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 84-12.****By Council Member Zone.**

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 2165 West 47th Street, 1st floor and basement, and repealing Resolution No. 998-11, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 2165 West 47th Street, 1st floor and basement by the Council on July 20, 2011; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Antoinette Burgess, DBA Tony's Deli, 2165 West 47th Street, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 1155305 be and the same is hereby withdrawn and Resolution No. 998-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**SECOND READING EMERGENCY ORDINANCE PASSED**

**Ord. No. 1552-11.**

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

An emergency ordinance authorizing the Director of Public Works to employ one or more professional consultants to provide services necessary to manage the Gateway East Garage, for a period up to three years.

Approved by Directors of Public Works, Finance, Law; Relieved of Committee on Public Parks, Properties, and Recreation; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1648-11.**

By Council Member Cummins.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3607 & 3601 Seymour Avenue to Luis Burgos or Caribe Development, LLC.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1650-11.**

By Council Member Cummins.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 18th St. and Auburn Ave. to Nestle L. J. Minor or designee.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1684-11.**

By Council Members K. Johnson, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Works to lease certain property located at 14550 Lorain Avenue from Pleasant Valley Enterprises Limited Partnership, for the public purpose of providing a base of operations for services provided in the northwest section of the City, for a term of one year with two one-year options to renew, the second of which is exercisable through additional legislative authority.

Approved by Directors of Public Works, City Planning, Finance, Law; Relieved of Committee on Public Service and City Planning; Passage recommended by Committee on Finance, when amended, as follows:

1. In the title, strike lines 10, 11, and 12 in their entirety and insert "year."

2. In Section 2, strikes lines 2 and 3 in their entirety and insert "term of one year."

3. In Section 3, line 2, strike line 2 in its entirety and insert "rental of \$86,000 which is".

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Ord. No. 1685-11.**

By Council Members Dow, Brancatelli, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use known as Permanent Parcel Numbers 118-04-036 through 118-04-044 to Superior Technology Partners, LLC, or its designee, for purposes of developing a data storage facility; and authorizing the Director of Economic Development to enter into an Option Agreement with Superior Technology Partners, LLC, or its designee.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Relieved of Committees on Community and Economic Development; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1717-11.**

By Council Members Keane, Sweeney and J. Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Siegel & Shuster Society for the lease of space on the baggage claim level of the passenger terminal at Cleveland Hopkins International Airport for the display of a Superman exhibit, for the Department of Port Control, for a period of five years, with three five-year options to renew, exercisable by the Director of Port Control.

Approved by Directors of Port Control Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1718-11.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of asphalt for runways, taxiways, ramps, and roadways, including labor and materials for repair and installation, if necessary, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Approved by Directors of Port Control Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1-12.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to exercise the first option to renew Contract No. 69192 with SS&G Financial Services, Inc. to provide professional services necessary to assist the Division of Assessments and Licenses with improving its audit practices and procedures.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 6-12.**

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

An emergency ordinance authorizing the Director of Economic Development to employ one or more professional consultants to evaluate, assess, and remediate brownfield properties throughout the City of Cleveland.

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

1. In Section 2, strike lines 2 and 3 in their entirety and insert "exceed an aggregate amount of \$200,000 payable from Fund No. 17 SF 965, RQS 9501, 2012-3."

Amendment agreed to. The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

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

**SECOND READING  
ORDINANCE PASSED**

**Ord. No. 1602-11.**

By Council Member Cimperman. An ordinance to change the Use and Area Districts of lands located on the south side of Hancock Avenue east of West 28th Street to Semi-Industry Use District and a 'C' Area District from Two Family Residential and a 'B' Area District (Map Change No. 2382, Sheet Number 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**LAID ON THE TABLE**

**Ord. No. 188-11.**

By Council Member Conwell. An emergency ordinance to amend Section 670.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 171-04 passed February 4, 2004 relating to armed security guards.

Without objection, Ordinance No. 188-11 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 17. Nays 0. Ordinance No. 188-11 Laid on the Table.

**MOTION**

By Council Member Brady, seconded by Council Member Dow and unanimously carried that the absence of Council Members Joe Cimperman and Kenneth L. Johnson be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:00p.m. to meet on Monday, January 30, 2012 at 7:00 p.m. in the Council Chambers.

Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

January 18, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 18, 2012 at 10:34 a.m. with Interim Director Langhenry presiding.

Present: Interim Director Langhenry, Directors Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich, Rybka.

Absent: Mayor Jackson and Director Smith.

Others: Jomarie Wasik, Director, Mayor's Office of Capital Projects. Natoya Walker-Minor, Interim Director, Office of Equal Opportunity.

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

**Resolution No. 18-12.**

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 247-11, passed by the Council of the City of Cleveland on June 6, 2011, Standard Parking Corporation ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to provide parking management services for the Department of Port Control, for a period of five years, with one five-year option to renew.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Standard Parking Corporation for the above-mentioned services, based upon its proposal dated October 28, 2011, which contract shall be prepared by the Director of Law, shall provide that the compensation to Standard Parking Corporation for the services authorized shall not exceed \$662,477.00 plus one-half of one percent of net revenues and approved reimbursable maintenance and operating expenses, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Standard Parking Corporation is approved:

<u>Subconsultant</u>	<u>Percentage</u>	<u>Amount</u>
Kilbane's Auto Service, Inc.	1.08% CSB	\$ 54,800.00
Advantage Health Care, Inc.	0.04% CSB/FBE	\$ 2,260.00
R-Cap Security, LLC	0.59% CSB/MBE	\$ 30,240.00

MGL, Inc.	2.52%	CSB/MBE	\$127,296.00
The Security Management Group	5.55%	CSB/MBE	\$280,463.00
Insignia Graphics, LLC	0.33%	CSB/MBE	\$ 17,057.00
Fabrizi Recycling, Inc.	1.22%	CSB/MBE	\$ 62,000.00
Hall Harris, LLC	6.09%	CSB/MBE	\$307,696.00
Fastsigns	0.03%	CSB/MBE	\$ 1,735.00
J & L Work Apparel, Inc.	0.08%	FBE	\$ 4,160.00

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich, Rybka.

Nays: None.

Absent: Mayor Jackson and Director Smith.

**Resolution No. 19-12.**

By Director Wasik.

Whereas, under authority of Ordinance No. 619-10, passed by the Cleveland City Council on June 7, 2011, this Board of Control, by its Resolution No. 543-11, adopted November 11, 2011, and corrected under Resolution No. 567-11, adopted November 23, 2011, approved Perk Company, Inc. as lowest responsible bidder for the public improvement of reconstructing Fulton Avenue between Denison Avenue and Clark Avenue, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, in the aggregate amount of \$5,306,789.45; and

Whereas, Perk Company, Inc. wishes to use the services of an additional subcontractor; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractor by Perk Company, Inc. for the aforementioned public improvement contract is approved:

Fabrizi Trucking and Paving (Other)	12.4%
\$654,540.00	—

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich, Rybka.

Nays: None.

Absent: Mayor Jackson and Director Smith.

**Resolution No. 20-12.**

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 Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 110-03-093 located at 713 East 115th Street in Ward 9; and

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

Whereas, James L. Lewis, Jr. has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

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

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

Be it resolved by the Board of Control of the City of Cleveland that 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 James L. Lewis, Jr. for the sale and development of Permanent Parcel No. 110-03-093 located at 713 East 115th Street, 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 parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich, Rybka.

Nays: None.

Absent: Mayor Jackson and Director Smith.

#### **Resolution No. 21-12.**

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 Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 007-07-012 further known as Lot 1 in Volume 321, Page 13 of Cuyahoga County Records, located at West 38th Street in Ward 15; 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; and

Whereas, Decebal B. Epuran has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that 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 Decebal B. Epuran for the sale and development of Permanent Parcel No. 007-07-012 further known as Lot 1 in Volume 321, Page 13 of Cuyahoga County Records, located at West 38th Street, 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 parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich, Rybka.

Nays: None.

Absent: Mayor Jackson and Director Smith.

#### **Resolution No. 22-12.**

By Director Nichols.

Whereas, under the authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinances Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997, respectively, the Commissioner of Purchases and Supplies ("Commissioner") is authorized, by and at the direction of the Board of Control, to sell certain parcels of the Chagrin Highlands Development Area described therein and consisting of 5.8006 acres, and located in the City of Beachwood ("Property"), which parcels are no longer needed for public use, according to the terms of the Master Development Agreement ("MDA") set forth in the ordinance; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinances Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997, respectively, the Commissioner of Purchases and Supplies is directed to sell the parcels comprising the Property, and no longer needed for public use, to Chagrin Highlands, LTD., according to the MDA and more fully described as:

Situated in the City of Beachwood, County of Cuyahoga, State of Ohio and known as being a part of Original Warrensville Township Lot #68 and being a 5.8006 acres Lot Split Parcel A from a 131.2607 acres Parcel (PP #742-39-001) constituting part of lands conveyed to the City of Cleveland by deed dated December 5, 1904 and recorded December 23, 1904 as recorded in Volume 968, Page 8 of Cuyahoga County Deed Records and further bounded and described as follows:

Commencing at a 5/8" iron pin in a monument box found on the Westerly line of said O.L. #68 marking the intersection of the centerlines of Green Road (80 feet wide) & Harvard Road (80 feet wide), said point being a Southwesterly corner of said City of Beachwood, of which said point bears South 00°44'38" East, a

distance of 2,280.94 feet from a 5/8" iron pin with monument box found at the intersection of the centerline of said Harvard Road with the Northwesterly corner of O.L. #68;

Thence South 87°04'26" East, along said centerline of Harvard Road, a distance of 481.01 feet to a 5/8" iron pin monument box found, (0.08 feet North) and (0.09 feet West);

Thence North 02°55'34" East, perpendicular to said centerline of Harvard Road, a distance of 40.00 feet to a point on the Northerly sideline thereof;

Thence South 87°04'26" East, along said Northerly sideline of Harvard Road, a distance of 125.12 feet to a point of curvature;

Thence continuing along said Northerly sideline of Harvard Road and along the arc of a curve, deflecting to the left, and having a radius of 1,869.86 feet, a tangent of 194.65 feet, a delta of 11°53'09", a chord of 387.20 feet which bears North 86°58'59" East, a distance of 387.90 feet to a point of tangency;

Thence North 81°02'25" East, continuing along said Northerly sideline of Harvard Road, a distance of 601.80 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849"), and the Principal Place of Beginning of the premises herein intended to be described;

Course 1 Thence along the arc of a curve, deflecting to the right, and having a radius of 30.00 feet, a tangent of 30.00 feet, a delta of 90°00'00" and a chord of 42.43 feet which bears North 53°57'35" West, a distance of 47.12 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") at a point of tangency;

Course 2 Thence North 08°57'35" West, a distance of 325.00 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") at an angle point;

Course 3 Thence North 81°02'25" East, a distance of 100.00 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") at an angle point;

Course 4 Thence North 70°47'00" East, a distance of 106.71 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") at an angle point;

Course 5 Thence North 81°02'25" East, a distance of 200.00 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") at an angle point;

Course 6 Thence South 88°42'11" East, a distance of 106.71 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") at an angle point;

Course 7 Thence North 81°02'25" East, a distance of 25.00 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") at an angle point;

Course 8 Thence South 08°57'35" East, a distance of 55.00 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") at an angle point;

Course 9 Thence North 81°02'25" East, a distance of 160.00 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") at an angle point;

Course 10 Thence South 08°57'35" East, a distance of 361.46 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") on a Northerly curved sideline of aforementioned Harvard Road;

Course 11 Thence along the arc of said Northerly curved sideline of Harvard Road, deflecting to the left, and having a radius of 1,677.02 feet, a tangent of 229.12 feet, a delta of 15°33'35" and a chord of 454.02 feet which bears South 88°49'12" West, a distance of 455.42 feet to a 5/8" iron pin set (w/yellow cap "D.F. Sheehy S-7849") at a point of tangency;

Course 12 Thence South 81°02'25" West, continuing along said Northerly sideline of Harvard Road, a distance of 215.16 feet to the Principal Place of Beginning and containing 5.8006 acres (252,674 sq. ft.) of land as surveyed by Donald F. Sheehy, Registered Surveyor #7849 and as calculated and described from Cuyahoga County Records by James A. Wendorf, Registered Surveyor #6556 of Chagrin Valley Engineering, Ltd., in October, 2011, be the same more or less but subject to all legal highways and easements of record;

The above described parcel is subject to an existing Slope/Conduit Easement as shown on the Dedication Plat of Harvard Road as recorded in Volume 178, Page 22 of Cuyahoga County Map Records;

Basis of bearing for this legal description is North 81°02'25" East as the centerline of said Harvard Road (80 feet wide) and evidenced by monuments found and is the same as calculated and reproduced from the Ohio State Plane Coordinates System North Zone by ties to the O.D.O.T. Network using Station GARF and are used to indicate angles only.

The total consideration to be paid for the Property shall be \$237,646.93, determined as provided by Section 4.2 of the MDA.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed or deeds of the City of Cleveland conveying the Property including easements authorized in Resolution.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich, Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Smith.

#### **Resolution No. 23-12.**

By Director Nichols.

Whereas, under the authority of Ordinance No. 727-11, passed June 6, 2011, effective June 13, 2011, the Commissioner of Purchases and Supplies is authorized to sell City-owned property no longer needed for public use consisting of Permanent Parcel Nos. 131-17-003 and 131-17-004 (the "Property"), as further described in the ordinance, to the Greater Cleveland Community Improvement Corporation, or its designee, for purposes of the Cuyahoga Valley Industrial Center site development.

Whereas, Ordinance No. 727-11 authorizes the Mayor to execute, on behalf of the City, and the Director of Law to prepare, the Official Deed necessary to convey the Property described in the Ordinance.

Whereas, Ordinance No. 727-11 authorizes the Director of Economic Development to enter into an agreement to memorialize the terms of conveyance; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 727-11, passed June 6, 2011 by Cleveland City Council, the Commissioner of Purchases and Supplies is directed to convey the Property no longer needed for public use, consisting of Permanent Parcel Nos. 131-17-003 and 131-17-004, as further described in the ordinance, in "as is" condition and subject to certain restrictive covenants, to The Greater Cleveland Community Improvement Corporation, for the consideration as follows:

i) Payment of \$10 to the City;  
ii) Within 30 days of conveyance of the Property, consolidation of the Property with the existing Cuyahoga Valley Industrial Center (Permanent Parcel No. 131-14-001 and/or No. 131-14-003);

iii) On or before September 30, 2012, certification of the Cuyahoga Valley Industrial Center, including the Property, as a "Job Ready Site" by the State of Ohio, in accordance with the Ohio Job Ready Sites Program;

iv) The restriction that no advertising signs or billboards will be placed on the Property except permitted identification signs; and

v) Such other terms and conditions, restrictions, and covenants as are deemed necessary or appropriate, including restrictive covenants and reversionary interests as may be specified by the Director of Economic Development or the Director of Law;

which is determined to be not less than Fair Market Value.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed of the City of Cleveland conveying the Property.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich, Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Smith.

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.

ROBERT BENNETT,  
President

### **SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, FEBRUARY 6, 2012**

**9:30 A.M.**

**Calendar No. 12-4** 3395 East 93rd Street (Ward 5)

Darrell Wilborn, owner, appeals to expand and renovate a motor vehicle repair garage located on a 136' x 140' site at the northeast corner of East 93rd Street and Raymond Avenue in a C1 Local Retail Business District; such use being first permitted in a Semi-Industry District, expansion of this nonconforming use requires Board of Zoning Appeals approval under Section 359.01; a gravel parking area is proposed contrary to the requirement in Section 349.07 that the area be hard-surfaced and properly graded for drainage, with wheel or bumper guards required; and the size of parking spaces is not shown whereas Section 325.03 requires that each parking space be a minimum of 180 square feet. (Filed 1-9-12)

**Calendar No. 12-6** 2186 Brookpark Road (Ward 13)

Carrie Damico, tenant, and Lorain Real Estate Corporation, owner, appeal to display a 20-foot diameter balloon as a roof sign for 14 days in a B3 Semi-Industry District on the northwest corner of Brookpark Road and Broadview Road; contrary to the regulations of Section 327.02(c), which states that there shall be no change or substitution in the use of any existing building or premises and no extension of any existing use, nor shall any premises be occupied for any new use, until a certificate of occupancy has been issued. (Filed 1-1-12)

**Calendar No. 12-7:** 1977 West 54th Street (Ward 15)

Homecut LLC (Leonard Cuturic), owner, appeals to erect 125 feet of 6-foot high wood fencing on a 30' x 134' irregularly shaped parcel in a B1 Two-Family District, contrary to the provisions of Section 358.06(b), which requires that the finished or more decorative side of a fence shall face outward toward the adjoining property or the street. (Filed 1-13-12)

**Calendar No. 12-8:** 4979 West 130th Street (Ward 18)

Windfall Group USA, owner, and Direct Import Home Décor, tenant, appeal to relocate an existing 220-square foot, 75-foot high double-faced illuminated pole sign identifying Direct Import Home Décor on a property east of West 130th Street, north of Brookpark Road and south of I-480 in an A3 General Industry District; such sign to be located 8 feet from an interior property line, contrary to the provision of Section 350.09(d) that requires a freeway

interchange sign to be located at least 25 feet from an interior property line. (Filed 1-17-12)

**Calendar No. 12-9** 1019 Pelton Court (Ward 3)

Cleveland Bricks (Jason Hagler), owner, appeals to erect a 17'3" x 33'7" one-story frame single-family residence addition and an 18' x 20' one-story attached garage on an approximately 40-foot wide and 80-90 feet deep irregularly shaped parcel in a B1 Multi-Family District; contrary to the provisions of Section 355.04(a), which require that the maximum gross floor area be no greater than 50% of the lot area or 1,734 square feet in this case, compared to a proposed 1,960 square feet; and contrary to the provisions of Section 357.08(b)(1), which requires a minimum 20-foot rear yard compared to the proposed 3 feet; contrary to the provisions of Section 357.09(b)(2)A, which requires a building to be located at least 10 feet from a main building on an adjoining lot in a Residence District, compared to the proposed 3 feet; contrary to the provision of Section 357.09(b)(2)B, which requires a minimum 3-foot interior side yard compared to a proposed 1-foot interior side yard, and requires that the total width of side yards be not less than 10 feet compared to a proposed 4 feet; and subject to the provisions of Section 359.01, which requires Board of Zoning Appeals approval for the expansion of an existing nonconforming building. (Filed 1-17-12)

**Calendar No. 12-10** 863 East 140th Street (Ward 10)

Khalid Hassan, owner, appeals to expand the use of an existing food manufacturing facility located in a C2 General Retail Business District through construction of a new 7,815-square foot building; such use being first permitted in a Semi-Industry District and an expansion of this nonconforming use requires Board of Zoning Appeals approval under Section 359.01; contrary to the provisions of Section 349.04 regarding the provision of off-street parking; and contrary to the provisions of Sections 352.10 and 352.11, which require a 10-foot wide landscape transition strip between the proposed use and the adjacent Residential District; and contrary to the requirement of Section 357.07(a) for a front yard setback of 10 feet compared to a proposed setback of 9'-3". (Filed 1-18-12)

Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, JANUARY 23, 2012**

At the meeting of the Board of Zoning Appeals on Monday, January 23, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED**:

**Calendar No. 11-237:** 1192 West 101st Street

The 1192 Group Partnership LLC, owner, appealed for a change of use

from a factory, warehouse, to a private club, assembly hall, in an existing building located on a 136.25' x 329.67' lot in a B3 General Industry District.

**Calendar No. 11-238:** 2261 West 28th Street

Evelyn Jackson, owner, appealed to enclose an existing 9' x 27' wooden, open front porch.

**Calendar No. 11-227:** 2500 Denison Avenue

McDonald's Corporation, owner, appealed to install 2 drive through lanes, a drive island and 1 additional 8' x 5.3' single faced menu board to an existing restaurant located on a corner lot in a C3/2 Local Retail Business District.

**Calendar No. 11-229:** 2639 East 87th Street

Jerry Roman and Anthony Peacock appeal to establish use as motor vehicle major repair, which includes minor repairs and auto body repairs, in a one-story building located on an 85.07' x 60' lot in a C2 General Retail Business District.

The following appeal was **DENIED**:

**Calendar No. 11-239:** 789 East 99th Street

James and Betty Jefferson, owners, and BeNita Martinez, tenant, appealed to establish use as a Type A day care within the first floor of an existing two family residence on a 40' x 91.95' lot in a B1 Two-Family District.

The following appeal was **DISMISSED**:

**Calendar No. 11-240:** 3255 West 58th Street

Robert Cisar, owner, appealed to use a building as a garage for storage as the sole, primary use of a 38' x 122.58' parcel located in a B1 Two-Family District.

The following appeals were **WITHDRAWN**:

None.

The following appeals were **POSTPONED**:

None.

The following appeals heard by the Board on January 17, 2012 were adopted and approved on January 23, 2012.

The following appeals were **APPROVED**:

**Calendar No. 11-220:** 9000 Aetna Road 9000 Aetna LLC and Eric Collins, owner, appeal to use for storage of construction equipment and supplies and an accessory parking area an acreage parcel in a B3 General Industry District.

**Calendar No. 11-225:** 2200 West 28th Street

Cleveland Metropolitan School District appeals to construct a two-story, 63,530 square foot PK-8 elementary school on acreage located between West 28th and West 29th Street in a B1 Two-Family District.

The following request for an affirmation was heard by the Board on January 23, 2012 and was approved.

**Calendar Nos. 11-53, 11-54:** 1393 East 51st Street and 1368 East 52nd Street

Granting a 30-day extension to February 20, 2012 to Ohio Technical College for filing of a plat to consolidate parcels.

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

Re: Report of the Meeting of  
January 18, 2012

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

\* \* \*

**Docket A-166-11.**

RE: Appeal of Vivian Billups, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 3613 Henry Ct. from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 11, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete processing the property, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-178-11.**

RE: Appeal of Michael M. Stewart, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 13817 Svec Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated January 24, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant, within the next thirty (30) days, to obtain all required permits and to grant the Appellant one hundred eighty (180) days in which to complete abatement of all violations, pending the report from the inspectors to the feasibility of that; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

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**Docket A-180-11.**

RE: Appeal of James J. Green, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 9407 Steinway Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 24, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued, the Appellant is not present for the hearing, no work has been done, and existing permits have been Voided, the appeal is Denied; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

Not Voting: Mr. Saab.

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**Docket A-181-11.**

RE: Appeal of Perry's Investments, LLC, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 12700 Benwood Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 14, 2011, and from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 3, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to extend the time required for abatement of the violations to February 1, 2012, noting that the property has been donated to the Land Bank, including a donation to assist in remediation. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-182-11.**

RE: Appeal of ZTB Holdings LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 8810 Denison Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated May 9, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require Appellant to obtain all required permits to complete the project within the next seven (7) days; remove the

debris within the next fourteen (14) days and maintain the grounds debris free, and to grant the Appellant one hundred twenty (120) days in which to complete abatement of all violations on the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-187-11.**

RE: Appeal of Velma Mainer (Deceased) C/O Leroy Mainer Jr., Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 9103 Columbia Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 13, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued based upon the photographic evidence, noting that no work has been done, and that the cars stored on the property, in their present condition, is illegal and not permitted, the appeal is Denied; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

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**Docket A-188-11.**

RE: Appeal of Boulevard Terrace Apartments, Ltd., Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two Story Masonry Property located on the premises known as 10107 Detroit Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated May 11, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to obtain building permits within fourteen (14) days and to present a construction schedule to the interested parties, including the inspector and council person, and to grant the Appellant until January 1, 2013 in which to complete the construction project; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

**Docket A-189-11.**

RE: Appeal of BMW1234 LLC, Owner of the S-1 Storage - Moderate Hazard (Combustibles) One & One-half Story Masonry Property located on the premises known as 4007 Detroit Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 8, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued based on the photographic evidence presented, the Appellant is granted six (6) months in which to complete abatement of all violations, noting that all permits have been obtained; the property is REMANDED at this time to Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

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**Docket A-190-11.**

RE: Appeal of Hatim Nassir, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 2620 East 115th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 22, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued, that no permits have been obtained, there is no plan to do the work and that no work has been done other than the deconstructive work on the property, the appeal for additional time has been Denied; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

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**Docket A-191-11.**

RE: Appeal of Byron C. Washington, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 4147 East 59th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 18, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to obtain all permits within the next thirty (30) days and complete abatement of all violations within six (6) months; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required



further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Maschke.

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

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**Docket A-192-11.**

RE: Appeal of Nick Gory, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two & One/half Story Frame Property located on the premises known as 7101 Clark Avenue from a NOTICE OF VIOLATION — INTERIOR/ EXTERIOR MAINTENANCE, dated May 19, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued based on the photographic evidence, that no work has been done and the Appellant is not present for the hearing, the appeal for additional time is Denied; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-195-11.**

RE: Appeal of Dawne M. Chilcutt, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 9519 Orleans Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated May 18, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-195-11 has been WITHDRAWN at the request of the Appellant.

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**Docket A-196-11.**

RE: Appeal of William and Kathryn K. Allen, Owners of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 4878 West 14th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 11, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-196-11 has been WITHDRAWN at the request of the Appellant.

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**Docket A-197-11.**

RE: Appeal of David Carte, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame

Property located on the premises known as 3550 East 46th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 25, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued, no work has been done and the Appellant is not present for the hearing, the appeal for additional time is Denied; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-198-11.**

RE: Appeal of John H. Thomas, Owner of the MXD Mixed Uses - Multiple Uses In One Building One Story Masonry Property located on the premises known as 1138 East 123rd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated May 27, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-198-11 has been WITHDRAWN at the request of the Appellant.

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**Docket A-200-11.**

RE: Appeal of George Caraman/Caraman Corp., Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 1538 West 102nd Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated October 7, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued, and to grant the Appellant thirty (30) days in which to complete abatement of the interior violations and to complete the exterior violations as soon as possible, maintaining the grounds debris free, the Appellant is granted ninety (90) days in which to complete all the work on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

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**Docket A-243-11.**

RE: Appeal of Land Assembly for Neighborhood Development, Owner

of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 11525 Kelton Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 4, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until February 1, 2012 for abatement of the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

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**Docket A-355-11.**

RE: Appeal of PNC Bank, Mortgagee of the MXD Mixed Uses - Multiple Uses In One Building Four Story Masonry Walls/Wood Floors Property located on the premises known as 4049 St. Clair Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 13, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued based upon the photographic evidence presented, and that based on other evidence presented, PNC is not the responsible party of the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

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**Docket A-385-11.**

RE: Appeal of Cleveland Cavaliers, Owner of the Property located on the premises known as 1 Center Court from an ADJUDICATION ORDER, dated December 13, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the area requirement and permit the sign to be erected as proposed, with the provision that the requirements of NFPA 701 be complied with by the material, the proof of that is to be submitted by the Appellant. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

**Docket A-390-11.**

RE: Appeal of The Vietnamese Buddhist Association of Cleveland, Owner of the Property located on the premises known as 4724 West 130th Street from an ADJUDICATION ORDER, dated December 1, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the variance request, and find that the proposed occupancy of the lower level will either require a limited area sprinkler system or a compliant direct exist to the outside from the basement area, and that a plan must be submitted describing either condition. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

\* \* \*

**Docket A-412.**

RE: Appeal of Nancy Yuen, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two Story Masonry Walls/Wood Floors Property located on the premises known as 1368 East 40th Street from a CONDEMNATION ORDER, dated March 19, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-412 has been POSTPONED; to be rescheduled for February 1, 2012.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-169-11 — Edward Byszewski
  - A-170-11 — Delon Burrell
  - A-173-11 — Evergreen Castle
  - A-174-11 — Dan Andreasik
  - A-175-11 — Therese A. Fuller
  - A-176-11 — Yakup Cukurcayir/Herman D. Thomas
  - A-177-11 — John Carpenter
  - A-251-11 — The Glidden House
  - A-276-11 — Ocie Lee Smith
  - A-287-11 — Fiduciary Leaders Inc.
- Yeas: Messrs. Denk, Saab, Bradley, Nays: None. No Voting: Mr. Maschke. Absent: Mr. Gallagher.

\* \* \*

**APPROVAL OF MINUTES:**

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

January 4, 2012

Yeas: Messrs. Denk, Saab, Bradley. Nays: None. No Voting: Mr. Maschke. Absent: Mr. Gallagher.

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**WEDNESDAY, FEBRUARY 8, 2012**

**File No. 4-12 - Landscape Materials & Supplies**, for the Various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, FEBRUARY 1, 2012 AT 10:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**File No. 6-12 - Purchase of Federal Aviation Administration Approved Deicing Chemicals (Rebid)**, for the Various Divisions of

Port Control, Department of Port Control, as authorized by Ordinance No. 597-11, passed by the Council of the City of Cleveland, June 6, 2011.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, JANUARY 27, 2012 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.**

January 18, 2012 and January 25, 2012

**FRIDAY, FEBRUARY 10, 2012**

**File No. 5-12 - Browns Stadium 2012 Capital Project**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 9-12, passed by the Council of the City of Cleveland, pending.

**THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).**

**THERE WILL BE A MANDATORY PRE-BID MEETING FRIDAY, JANUARY 27, 2012 AT 10:00 A.M. THE CLEVELAND BROWNS STADIUM, 100 ALFRED LERNER WAY, MEET AT THE LOADING DOCK ENTRANCE, CLEVELAND, OHIO 44114.**

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

January 18, 2012 and January 25, 2012

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

**Monday, January 23, 2012  
2:00 p.m.**

**City Planning Committee & Finance Committee:** Present in Planning: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone. Present in Finance: Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook. *Authorized* *Absence:* Sweeney, Chair.

**2:00 p.m.**

**Finance Committee:** Present in Finance: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli,

Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

Westbrook, Zone. Authorized Absence: Cimperman.

Mitchell, Zone. Authorized Absence: Cleveland.

Tuesday, January 24, 2012 9:30 a.m.

Wednesday, January 25, 2012 10:00 a.m.

1:30 p.m.

Community and Economic Development Committee: Present: Brancatelli, Chair; Dow, Vice Chair; Cummins, J. Johnson, Miller, Pruitt,

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cummins, Dow, Miller,

Public Utilities Committee: Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook.

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

Aging Department

Notification of acceptance of a grant — \$ 1,000.00 (WRAAA) Support The 2012 Medicare Improvements for Patients and Providers Act (MIPPA) Beneficiary Outreach and Assistance Program. (F 86-12)..... 49

Agreements

Sell city-owned property no longer needed for public use — PPNS 118-04-036 Through 118-04-044 — to Superior Technology Partners, LLC, (Ward 07) (O 1685-11)..... 57

Aids

Federal Home Investment Partnerships Act Program, 2012 — Emergency Shelter Grant — Housing Opportunities For Persons With Aids Program — Year XXXVIII (O 75-12) ..... 53

Board of Building Standards and Building Appeals

Bellaire Road, 11885, (Ward 17) - Yakup Cukurcayir / Herman D. Thomas, owners — appeal adopted on 1/18/12 (Doc. A-176-11) ..... 63
Benwood Avenue, 12700, (Ward 2) - Perry's Investments, LLC, owner — appeal resolved on 1/18/12 (Doc. A-181-11) ..... 62
Center Court, 1, (Ward 3) - Cleveland Cavaliers, owner — appeal resolved on 1/18/12 (Doc. A-385-11) ..... 63
Clark Avenue, 7101, (Ward 15) - Nick Gory, owner — appeal resolved on 1/18/12 (Doc. A-192-11) ..... 63
Columbia Avenue, 9103, (Ward 8) - Velma Mainer (deceased) c/o Leroy Mainer, Jr., owner — appeal resolved on 1/18/12 (Doc. A-187-11) ..... 62
Cornelia Avenue, 7416, (Ward 7) - John Carpenter, owner — appeal adopted on 1/18/12 (Doc. A-177-11) ..... 63
Denison Avenue, 8810, (Ward 16) - ZTB Holdings, LLC, owner — appeal resolved on 1/18/12 (Doc. A-182-11) ..... 62
Detroit Avenue, 10107, (Ward 17) - Boulevard Terrace Apartments, Ltd., owner — appeal resolved on 1/18/12 (Doc. A-188-11) ..... 62
Detroit Avenue, 4007, (Ward 15) - BMW1234, LLC, owner — appeal resolved on 1/18/12 (Doc. A-189-11) ..... 62
East 115th Street, 2620, (Ward 6) - Hatim Nassir, owner — appeal resolved on 1/18/12 (Doc. A-190-11) ..... 62
East 123rd Street, 1138, (Ward 10) - John H. Thomas, owner — appeal withdrawn on 1/18/12 (Doc. A-198-11) ..... 63
East 129th Street, 847, (Ward 10) - Evergreen Castle, owner — appeal adopted on 1/18/12 (Doc. A-173-11) ..... 63
East 133rd Street, 3517, (Ward 4) - Ocie Lee Smith, owner — appeal adopted on 1/18/12 (Doc. A-276-11) ..... 63
East 149th Street, 3360, (Ward 1) - Delon Burrell, owner — appeal adopted on 1/18/12 (Doc. A-170-11) ..... 63
East 40th Street, 1368, (Ward 8) - Nancy Yuen, owner — appeal postponed to 2/1/12 on 1/18/12 (Doc. A-4-12)..... 64
East 59th Street, 4147, (Ward 12) - Byron C. Washington, owner — appeal resolved on 1/18/12 (Doc. A-191-11) ..... 62
East 71st Street, 4241, (Ward 12) - Edward Byszewski, owner — appeal adopted on 1/18/12 (Doc. A-169-11) ..... 63
Ford Drive, 1901, (Ward 9) - The Glidden House, owner — appeal adopted on 1/18/12 (Doc. A-251-11) ..... 63
Henry Court, 3613, (Ward 12) - Vivian Billups, owner — appeal resolved on 1/18/12 (Doc. A-166-11) ..... 61

Kelton Avenue, 11525, (Ward 9) – Land Assembly of Neighborhood Development, owner — appeal resolved on 1/18/12 (Doc. A-243-11) ..... 63

Nottingham Road, 19306, (Ward 11) – Fiduciary Leaders, Inc., owner — appeal adopted on 1/18/12 (Doc. A-287-11) ..... 63

Oliver Road, 10922, (Ward 17) – Dan Andreasik, owner — appeal adopted on 1/18/12 (Doc. A-174-11) ..... 63

Orleans Avenue, 9519, (Ward 5) – Dawne M. Chilcutt, owner — appeal withdrawn on 1/18/12 (Doc. A-195-11) ..... 63

St. Clair Avenue, 4049, (Ward 3) – PNC Bank, mortgagee — appeal resolved on 1/18/12 (Doc. A-355-11) ..... 63

Steinway Avenue, 9407, (Ward 4) – James J. Green, owner — appeal resolved on 1/18/12 (Doc. A-180-11) ..... 62

Svec Avenue, 13817, (Ward 4) – Michael M. Stewart, owner — appeal resolved on 1/18/12 (Doc. A-178-11) ..... 61

West 102nd Street, 1538, (Ward 17) – George Caraman / Caraman Corp., owner — appeal resolved on 1/18/12 (Doc. A-200-11)..... 63

West 130th Street, 4724, (Ward 18) – The Vietnamese Buddhist Association of Cleveland, owner — appeal resolved on 1/18/12 (Doc. A-390-11)..... 64

West 14th Street, 4878, (Ward 13) – William and Kathryn K. Allen, owner — appeal withdrawn on 1/18/12 (Doc. A-196-11)..... 63

West 46th Street, 3550, (Ward 12) – David Carte, owner — appeal resolved on 1/18/12 (Doc. A-197-11) ..... 63

West 87th Street, 1374, (Ward 16) – Therese A. Fuller, owner — appeal adopted on 1/18/12 (Doc. A-175-11) ..... 63

**Board of Control — Capital Projects Office**

Fulton Road reconstruction (Denison Ave. to Clark Ave.) — approve subcontractor — BOC Res. 543-11, 567-11 — Division of Engineering and Construction (BOC Res. 19-12)..... 58

**Board of Control — City of Beachwood**

Sell parcels — MDA pursuant to Ord. 2197-88, 1458-90 and 1166-96 to Chagrin Highlands, Ltd. (BOC Res. 22-12)..... 59

**Board of Control — Community Development Department**

East 115th Street, 713 (Ward 9) — PPN 110-03-093 — James L. Lewis, Jr. (BOC Res. 20-12) ..... 58

West 38th Street (Ward 15) — PPN 007-07-012 — Decebal B. Epuran (BOC Res. 21-12)..... 59

**Board of Control — Engineering and Construction Division**

Fulton Road reconstruction (Denison Ave. to Clark Ave.) — approve subcontractor — BOC Res. 543-11, 567-11 — Office of Capital Projects (BOC Res. 19-12)..... 58

**Board of Control — Finance Department**

Sell parcels for Cuyahoga Valley Industrial Center site development — PPN 131-17-003/004 — per Ord. 727-11 to Greater Cleveland Community Improvement Corporation (BOC Res. 23-12)..... 60

Sell parcels in City of Beachwood — MDA pursuant to Ord. 2197-88, 1458-90 and 1166-96 to Chagrin Highlands, Ltd. (BOC Res. 22-12) ..... 59

**Board of Control — Land Reutilization Program**

East 115th Street, 713 (Ward 9) — PPN 110-03-093 — James L. Lewis, Jr. (BOC Res. 20-12) ..... 58

West 38th Street (Ward 15) — PPN 007-07-012 — Decebal B. Epuran (BOC Res. 21-12)..... 59

**Board of Control — Land Sales**

Sell parcels for Cuyahoga Valley Industrial Center site development — PPN 131-17-003/004 — per Ord. 727-11 to Greater Cleveland Community Improvement Corporation (BOC Res. 23-12)..... 60

Sell parcels in City of Beachwood — MDA pursuant to Ord. 2197-88, 1458-90 and 1166-96 to Chagrin Highlands, Ltd. (BOC Res. 22-12) ..... 59

**Board of Control — Port Control Department**

Parking Management Services — per Ord. 247-11 to Standard Parking Corporation (BOC Res. 18-12) ..... 58

**Board of Control — Professional Service Contracts**

Parking Management Services — per Ord. 247-11 to Standard Parking Corporation — Dept. of Port Control (BOC Res. 18-12) ..... 58

**Board of Control — Public Improvement Contracts**

Fulton Road reconstruction (Denison Ave. to Clark Ave.) — approve subcontractor — BOC Res. 543-11, 567-11 — Division of Engineering and Construction, Office of Capital Projects (BOC Res. 19-12)..... 58

**Board of Control — Purchases and Supplies Division**

Sell parcels for Cuyahoga Valley Industrial Center site development — PPN 131-17-003/004 — per Ord. 727-11 to Greater Cleveland Community Improvement Corporation (BOC Res. 23-12)..... 60  
Sell parcels in City of Beachwood — MDA pursuant to Ord. 2197-88, 1458-90 and 1166-96 to Chagrin Highlands, Ltd. (BOC Res. 22-12) ..... 59

**Board of Zoning Appeals — Report**

Aetna Road, 9000, (Ward 5) – 9000 Aetna LLC and Eric Collins, owner — appeal granted and adopted on 1/23/12 (Cal. 11-220) ..... 61  
Denison Avenue, 2500, (Ward 14) – McDonald’s Corporation, owner — appeal heard on 1/23/12 (Cal. 11-227)..... 61  
East 40th Street, 1192, (Ward 3) – The 1192 Group Partnership, LLC, owner — appeal heard on 1/23/12 (Cal. 11-237) ..... 61  
East 51st Street, 1393, (Ward 8) – Ohio Technical College, Inc., owner — appeal granted and adopted on 1/23/12 (Cal. 11-53) ..... 61  
East 52nd Street, 1368, (Ward 8) – Ohio Technical College, Inc., owner — appeal granted and adopted on 1/23/12 (Cal. 11-54) ..... 61  
East 87th Street, 2639, (Ward 4) – Jerry Roman and Anthony Peacock, owners — appeal heard on 1/23/12 (Cal. 11-229) ..... 61  
East 99th Street, 789, (Ward 8) – James and Betty Jefferson, owners and BeNita Martinez, tenant — appeal heard on 1/23/12 (Cal. 11-239) ..... 61  
West 101st Street, 2161, (Ward 16) – Evelyn Jackson, owner — appeal heard on 1/23/12 (Cal. 11-238)..... 61  
West 28th Street, 2200, (Ward 3) – Cleveland Metropolitan School District, owner — appeal granted and adopted on 1/23/12 (Cal. 11-225) ..... 61  
West 58th Street, 3255, (Ward 15) – Robert Cisar, owner — appeal dismissed on 1/23/12 (Cal. 11-240)..... 61

**Board of Zoning Appeals — Schedule**

Brookpark Road, 2186, (Ward 13) – Carrie Damico, tenant and Lorain Real Estate Corporation, owner — appeal to be heard on 2/6/12 (Cal. 12-6)..... 60  
East 140th Street, 863, (Ward 10) – Khalid Hassan, owner — appeal to be heard on 2/6/12 (Cal. 12-10)..... 61  
East 93rd Street, 3395, (Ward 5) – Darrell Wilborn, owner — appeal to be heard on 2/6/12 (Cal. 12-4)..... 60  
Pelton Court, 1019, (Ward 3) – Cleveland Bricks (Jason Hagler), owner — appeal to be heard on 2/6/12 (Cal. 12-9)..... 61  
West 130th Street, 4979, (Ward 18) – Windfall Group USA, owner and Direct Import Home Decor, tenant — appeal to be heard on 2/6/12 (Cal. 12-8) ..... 60  
West 54th Street, 1977, (Ward 15) – Homecut, LLC (Leonard Cuturic), owner — appeal to be heard on 2/6/12 (Cal. 12-7) ..... 60

**Building and Housing Department**

Vanover, Thomas E. — Oath of Office — Commissioner Of Code Enforcement — Building And Housing Department (F 91-12) ..... 49

**Capital Projects**

Grant For Public Improvements to League Park — Amend Ord. No. 607-10 (O 67-12) ..... 54  
East 90th St., 2721 — encroach into right-of-way — Pedestrian Bridge and Small Pipe Trestle — Miceli — Lograsso Development Co. IV LLC, (Ward 04) (O 71-12)..... 50  
Euclid Ave., — encroach into right-of-way — Light Tower Campus Marker — Cleveland State University (Ward 08) (O 69-12) ..... 55  
Perkins Ave., — encroach into right-of-way — Guard House Addition — Dealer Tire, LLC, (Ward 08) (O 70-12) ..... 50  
West 68th St., — intention to vacate a portion — City Planning Commission (Ward 15) (R 80-12) ..... 54

**City of Cleveland Bids**

Cleveland Browns Stadium Capital Projects, 2012 — Department of Public Works — Division of Architecture and Site Improvement — per Ord. 9-12 — bid due February 10, 2012 (advertised 1/18/2012 and 1/25/2012) ..... 64  
Deicing chemicals, FAA-approved (Re-bid) — Department of Port Control — per Ord. 597-11 — bid due February 8, 2012 (advertised 1/18/2012 and 1/25/2012) ..... 64  
Landscape materials and supplies — Department of Finance — per C.O. Sec. 181.101 — bid due February 8, 2012 (advertised 1/18/2012 and 1/25/2012)..... 64

**City Planning Commission**

Fenn Tower (The National Town and Country Club) — PPN 103-04-008 — Designate as Landmark (Ward 08) (O 72-12) .....	51
Hancock Ave. (East Of West 28th St.) — Change Use, Area Districts (Ward 03) (O 1602-11) .....	58
Morgana Run Phase One — Subdivision & Dedication Plat — East 71st St., East 72nd St., Aetna Rd., — Proposed Gerome Dr. & Garland Court (Ward 12) (F 92-12) .....	49
Tennis Courts At Rockefeller Park — Change Name To “The Judge Jean Murrell Capers Tennis Courts At Rockefeller Park — Public Works (Ward 08) (O 85-12) .....	56
West 68th St., — intention to vacate a portion — Capital Projects (Ward 15) (R 80-12) .....	54

**City Record**

Cleveland Municipal Court — Requesting Judge Pinkey S. Carr — Added to The Directory of City Official in The City Record (F 87-12) .....	49
---	----

**Clerk of Council**

Specified Global Changes In The Codified Ordinances (O 81-12) .....	55
---	----

**Cleveland Hopkins International Airport**

Port Control — Lease Agreement — Siegel & Shuster Society — At CHIA for Superman Exhibit (O 1717-11) .....	57
---	----

**Cleveland Municipal Court**

Requesting Judge Pinkey S. Carr — Added to The Directory of City Official in The City Record (F 87-12) .....	49
---	----

**Cleveland State University**

Euclid Ave., — encroach into right-of-way — Light Tower Campus Marker — Capital Projects (Ward 08) (O 69-12) .....	55
Fenn Tower (The National Town and Country Club) — PPN 103-04-008 — Designate as Landmark — City Planning Commission (Ward 08) (O 72-12) .....	51

**Codified Ordinances**

Amend Sect. 670.14 — Armed Security Guards (O 188-11) .....	58
Clerk of Council — Specified Global Changes In The Codified Ordinances (O 81-12) .....	55

**Communications**

Cleveland Municipal Court — Requesting Judge Pinkey S. Carr — Added to The Directory of City Official in The City Record (F 87-12) .....	49
---	----

**Community Development**

Amend Sections 4, 5, and 9 of Ordinance No. 856-07 — City of Cleveland as Community Reinvestment Area (O 76-12) .....	53
Apply & Accept 2012 Garden and Green Space Grant — Develop Gateway Park (O 68-12) .....	55
Econ. Dev. — Amend Contract No. 57841 with Fries & Schuele, Ltd. (O 77-12) .....	53
Federal Home Investment Partnerships Act Program, 2012 — Emergency Shelter Grant — Housing Opportunities For Persons With Aids Program — Year XXXVIII (O 75-12) .....	53
Seymour Ave., 3607 & 3601 — PPN 007-20-007 / 008 — Land Reutilization Program — Luis Burgos Or Caribe Development, LLC. (Ward 14) (O 1648-11) .....	57
West 18th St. and Auburn Ave. — PPN 004-07-093 / 094 / 095 / 098 & PPN 104-07-100 — Land Reutilization Program — Nestle L. J. Minor or Designee (Ward 14) (O 1650-11) .....	57

**Community Development Block Grant Program**

Federal Home Investment Partnerships Act Program, 2012 — Emergency Shelter Grant — Housing Opportunities For Persons With Aids Program — Year XXXVIII (O 75-12) .....	53
--	----

**Community Reinvestment Area**

Amend Sections 4, 5, and 9 of Ordinance No. 856-07 — City of Cleveland as Community Reinvestment Area (O 76-12) .....	53
--	----

**Concession Agreements**

Amend Section 1 of Ordinance No. 1578-11 — For Food and Beverage Service in the Rotunda (O 79-12) .....	54
--	----

**Condolences**

Arnold, Betty (R 102-12) ..... 50  
 Coleman, Jovan (R 105-12) ..... 50  
 Corley, Helen (R 101-12) ..... 50  
 Floyd, Cylestine (R 106-12)..... 50  
 Frierson, Thomas (Butch) Horace (R 104-12)..... 50  
 Mone, Sr., Frederick Martin (R 107-12)..... 50  
 Neal, Jr., Wylie (R 103-12)..... 50

**Congratulations**

Healey, Michael (R 108-12) ..... 50  
 Misheff, Donald T. (R 109-12)..... 50

**Contracts**

Comm. Dev. & Econ. Dev. — Amend Contract No. 57841 with Fries & Schuele, Ltd. (O 77-12) ..... 53  
 Economic Development — Apply & Accept Clean Ohio Grant — Scranton Averell, Inc., (Ferry  
 Cap & Set Screw Co.) at 2151 Scranton Rd. — Environmental Assessment and Remediation  
 (O 78-12)..... 53  
 Economic Development — professional service — to evaluate, assess, and remediate Brownfield  
 Properties (O 6-12)..... 57  
 Exercise first option to renew Contract No. 69192 with SS&G Financial Services, Inc. —  
 Division of Assessments & Licenses — Audit Practices & Procedures (O 1-12)..... 57  
 Port Control — Asphalt for Runways, Taxiways, Ramps, and Roadways (O 1718-11) ..... 57  
 Port Control — professional service — Implement the Converged Communications System  
 Projects (O 73-12)..... 51

**Easements**

Public Works — Cleveland Regional Transit Authority for Market Square on W. 25 St. and  
 Lorain Ave. (Ward 03) (O 74-12) ..... 52

**Economic Development Department**

Apply & Accept Clean Ohio Grant — Contracts with Scranton Averell, Inc., (Ferry Cap & Set  
 Screw Co.) at 2151 Scranton Rd. — Environmental Assessment and Remediation  
 (O 78-12)..... 53  
 Comm. Dev. — Amend Contract No. 57841 with Fries & Schuele, Ltd. (O 77-12) ..... 53  
 Professional service contract to evaluate, assess, and remediate Brownfield Properties  
 (O 6-12)..... 57  
 Sell city-owned property no longer needed for public use — PPNS 118-04-036 Through  
 118-04-044 — to Superior Technology Partners, LLC, (Ward 07) (O 1685-11)..... 57

**Encroachments**

East 90th St., 2721 — right-of-way — Pedestrian Bridge and Small Pipe Trestle — Miceli —  
 Lograsso Development Co. IV LLC, — Capital Projects (Ward 04) (O 71-12)..... 50  
 Euclid Ave., — right-of-way — Light Tower Campus Marker — Cleveland State University —  
 Capital Projects (Ward 08) (O 69-12) ..... 55  
 Perkins Ave., — right- of- way — Guard House Addition — Dealer Tire, LLC, — Capital  
 Projects (Ward 08) (O 70-12) ..... 50

**Finance Department**

Exercise first option to renew Contract No. 69192 with SS&G Financial Services, Inc. —  
 Division of Assessments & Licenses — Audit Practices & Procedures (O 1-12)..... 57

**Grants**

Aging Department — Notification of acceptance of a grant — \$ 1,000.00 (WRAAA) Support the  
 2012 Medicare Improvements for Patients and Providers Act (MIPPA) Beneficiary  
 Outreach and Assistance Program (F 86-12) ..... 49  
 Capital Projects — Public Improvements to League Park — Amend Ord. No. 607-10 (O 67-12) ..... 54  
 Community Development — Apply & Accept 2012 Garden and Green Space Grant — Develop  
 Gateway Park (O 68-12) ..... 55  
 Economic Development — Apply & Accept Clean Ohio Grant — Contracts with Scranton Averell,  
 Inc., (Ferry Cap & Set Screw Co.) at 2151 Scranton Rd. — Environmental Assessment  
 and Remediation (O 78-12) ..... 53  
 Federal Home Investment Partnerships Act Program, 2012 — Emergency Shelter Grant —  
 Housing Opportunities For Persons With Aids Program — Year XXXVIII (O 75-12) ..... 53

**Housing**

Amend Sections 4, 5, and 9 of Ordinance No. 856-07 — City of Cleveland as Community  
 Reinvestment Area (O 76-12) ..... 53

**Housing and Urban Development (HUD)**

Federal Home Investment Partnerships Act Program, 2012 — Emergency Shelter Grant —  
 Housing Opportunities For Persons With Aids Program — Year XXXVIII (O 75-12) ..... 53

**Land Reutilization Program**

Seymour Ave., 3607 & 3601 — PPN 007-20-007 / 008 — Luis Burgos or Caribe Development, LLC.  
 (Ward 14) (O 1648-11) ..... 57  
 West 18th St. and Auburn Ave. — PPN 004-07-093 / 094 / 095 / 098 & PPN 104-07-100 — Nestle  
 L. J. Minor or Designee (Ward 14) (O 1650-11) ..... 57

**Landmark Commission**

Fenn Tower (The National Town and Country Club) — PPN 103-04-008 — Designate as Landmark —  
 City Planning Commission (Ward 08) (O 72-12) ..... 51

**League Park**

Capital Projects — Grant For Public Improvements — Amend Ord. No. 607-10 (O 67-12) ..... 54

**Lease Agreement**

Port Control — Siegel & Shuster Society — at CHIA for Superman Exhibit (O 1717-11)..... 57

**Leases**

Public Works — City Leasing Property at 14550 Lorain Avenue from Pleasant  
 Valley Enterprises Limited Partnership (O 1684-11)..... 57

**Liquor Permits**

East 185th St., 770 — objection to transfer of ownership (Ward 11) (R 83-12) ..... 56  
 East 185th St., 770 — transfer of ownership application (Ward 11) (F 99-12)..... 50  
 Euclid Ave., 7500 — transfer of ownership and location (Ward 07) (F 97-12)..... 50  
 Forest Ave., 11201 — withdraw objection to issuance — repeal Res. 1557-11 (Ward 04) (R 82-12) ..... 56  
 Lakeside Ave., 1001 (Unit M1 And Patio) — transfer of ownership application (Ward  
 03) (F 95-12) ..... 49  
 Miles Rd., 16800 — transfer of ownership and location application (Ward 01) (F 93-12) ..... 49  
 St. Clair Ave., 10813 — transfer of ownership application (Ward 09) (F 98-12) ..... 50  
 St. Clair Ave., 19003 (1st Fl. & Bsmt.) — transfer of ownership application (Ward  
 11) (F 100-12) ..... 50  
 West 25th St., 1834 — transfer of location application (Ward 03) (F 94-12) ..... 49  
 West 25th St., 1909 — transfer of location application (Ward 3) (F 96-12) ..... 50  
 West 47th St., 2165 (1st Fl. & Bsmt.) — withdraw objection to renewal — repeal Res. 998-11  
 (Ward 15) (R 84-12) ..... 57

**Loans**

Comm. Dev. & Econ. Dev. — Amend Contract No. 57841 with Fries & Schuele, Ltd. (O 77-12) ..... 53

**Mayor's Office**

Mcgowan, Jenita — Oath of Office — Chief of Sustainability (F 89-12)..... 49

**Oath of Office**

Margevicius, Alex — Oath of Office — Interim Commission Of Water Department (F 88-12)..... 49  
 Mcgowan, Jenita — Oath of Office — Chief Of Sustainability (F 89-12) ..... 49  
 Reines, David — Oath of Office — Executive Director Of Workforce Investment Board (F 90-12) ..... 49  
 Vanover, Thomas E. — Oath of Office — Commissioner Of Code Enforcement — Building  
 And Housing Department (F 91-12) ..... 49

**Plats**

Morgana Run Phase One — Subdivision & Dedication Plat — East 71st St., East 72nd St., Aetna  
 Rd., — Proposed Gerome Dr. & Garland Court (Ward 12) (F 92-12) ..... 49



**Port Control Department**

Contracts — Asphalt for Runways, Taxiways, Ramps, and roadways (O 1718-11) ..... 57  
 Lease Agreement — Siegel & Shuster Society — At CHIA for Superman Exhibit (O 1717-11)..... 57  
 Professional Service — requirement contracts — Implement The  
 Converged Communications System Projects (O 73-12) ..... 51

**Professional Services**

Economic Development — Contract to Evaluate, Assess, and Remediate Brownfield Properties  
 (O 6-12)..... 57  
 Exercise First Option to Renew Contract No. 69192 with SS&G Financial Services, Inc. —  
 Division of Assessments & Licenses — Audit Practices & Procedures (O 1-12)..... 57  
 Port Control — Requirement contracts — Implement the Converged Communications System  
 Projects (O 73-12)..... 51  
 Public Works — Manage Gateway East Garage (O 1552-11) ..... 57

**Public Improvements**

Capital Projects — Grant — League Park — Amend Ord. No. 607-10 (O 67-12) ..... 54

**Public Works**

Amend Section 1 of Ordinance No. 1578-11 — Concession agreements for food and beverage  
 service in the Rotunda (O 79-12) ..... 54  
 City leasing property at 14550 Lorain Avenue from Pleasant Valley Enterprises  
 Limited Partnership (O 1684-11) ..... 57  
 Granting easement to Cleveland Regional Transit Authority for Market Square on W. 25 St.  
 and Lorain Ave. (Ward 03) (O 74-12) ..... 52  
 Professional service to manage Gateway East Garage (O 1552-11) ..... 57  
 Tennis Courts at Rockefeller Park — Change name to “The Judge Jean Murrell Capers Tennis  
 Courts at Rockefeller Park — City Planning Commission — Public Works (Ward 08)  
 (O 85-12)..... 56

**Purchases and Supplies Division**

Sell City-Owned Property No Longer Needed For Public Use — PPNS 118-04-036 Through  
 118-04-044 — to Superior Technology Partners, LLC, (Ward 07) (O 1685-11)..... 57

**Recognition**

Capers, Judge Jean Murrell (R 110-12)..... 50  
 Diasio, Leonard (R 112-12) ..... 50  
 Vietnamese Community Of Greater Cleveland, Inc. / “Year Of The Dragon” (R 111-12) ..... 50

**Regional Transit Authority**

Public Works — Granting easement to Cleveland Regional Transit Authority for Market Square  
 on W. 25 St. and Lorain Ave. (Ward 03) (O 74-12) ..... 52

**Safety Department**

Amend Sect. 670.14 — Armed Security Guards (O 188-11) ..... 58

**Street Vacation**

West 68th St., — intention to vacate a portion — City Planning Commission — Capital  
 Projects (Ward 15) (R 80-12) ..... 54

**Tabled Legislation**

Amend Sect. 670.14 — Armed Security Guards (O 188-11) ..... 58

**Tax Abatement**

Amend Sections 4, 5, and 9 of Ordinance No. 856-07 — City of Cleveland as Community  
 Reinvestment Area (O 76-12) ..... 53

**U.S. Conference Mayors**

Community Development — Apply & Accept 2012 Garden and Green Space Grant — Develop  
 Gateway Park (O 68-12) ..... 55

**Utilities Department**

Margevicius, Alex — Oath of Office — Interim Commission of Water Department (F 88-12) ..... 49

**Ward 01**

Miles Rd., 16800 — transfer of ownership and location application — liquor permit (F 93-12) ..... 49

**Ward 03**

Economic Development — Apply & Accept Clean Ohio Grant — Contracts with Scranton Averell, Inc., (Ferry Cap & Set Screw Co.) at 2151 Scranton Rd. — Environmental Assessment and Remediation (O 78-12) ..... 53  
 Hancock Ave. (East Of West 28th St.) — Change Use, Area Districts — City Planning Commission (O 1602-11)..... 58  
 Lakeside Ave., 1001 (Unit M1 and Patio) — transfer of ownership application — liquor permit (F 95-12)..... 49  
 Public Works — Granting easement to Cleveland Regional Transit Authority for Market Square on W. 25 St. and Lorain Ave. (O 74-12) ..... 52  
 West 25th St., 1834 — transfer of location application — liquor permit (F 94-12) ..... 49  
 West 25th St., 1909 — transfer of location application — liquor permit (F 96-12) ..... 50

**Ward 04**

East 90th St., 2721 — encroach into right-of-way — Pedestrian Bridge and Small Pipe Trestle — Miceli — Lograsso Development Co. IV LLC, — Capital Projects (O 71-12) ..... 50  
 Forest Ave., 11201 — withdraw objection to issuance — repeal Res. 1557-11 (R 82-12) ..... 56  
 Frierson, Thomas (Butch) Horace — Condolence (R 104-12)..... 50  
 Neal, Jr., Wylie — Condolence (R 103-12)..... 50

**Ward 05**

Capers, Judge Jean Murrell — Recognition (R 110-12)..... 50  
 Coleman, Jovan — Condolence (R 105-12) ..... 50  
 Community Development — Apply & Accept 2012 Garden And Green Space Grant — Develop Gateway Park (O 68-12) ..... 55  
 Fulton, Derrick — Welcome (R 113-12) ..... 50

**Ward 06**

Corley, Helen — Condolence (R 101-12) ..... 50

**Ward 07**

Arnold, Betty — Condolence (R 102-12) ..... 50  
 Capital Projects — Grant for Public Improvements to League Park — Amend Ord. No. 607-10 (O 67-12)..... 54  
 Euclid Ave., 7500 — transfer of ownership and location — liquor permit (F 97-12)..... 50  
 Sell city-owned property no longer needed for public use — PPNS 118-04-036 Through 118-04-044 — to Superior Technology Partners, LLC, (O 1685-11) ..... 57

**Ward 08**

Euclid Ave., — encroach into right-of-way — Light Tower Campus Marker — Cleveland State University — Capital Projects (O 69-12) ..... 55  
 Fenn Tower (The National Town and Country Club) — PPN 103-04-008 — Designate as Landmark — City Planning Commission (O 72-12) ..... 51  
 Floyd, Cylestine — Condolence (R 106-12)..... 50  
 Perkins Ave., — encroach into right-of-way — Guard House Addition — Dealer Tire, LLC, — Capital Projects (O 70-12)..... 50  
 Tennis Courts at Rockefeller Park — Change name to “The Judge Jean Murrell Capers Tennis Courts at Rockefeller Park — City Planning Commission — Public Works (O 85-12) ..... 56

**Ward 09**

St. Clair Ave., 10813 — transfer of ownership application — liquor permit (F 98-12) ..... 50

**Ward 11**

East 185th St., 770 — objection to transfer of ownership — liquor permit (R 83-12) ..... 56  
 East 185th St., 770 — transfer of ownership application — liquor permit (F 99-12)..... 50  
 St. Clair Ave., 19003 (1st Fl. & Bsmt.) — transfer of ownership application — liquor permit (F 100-12)..... 50

**Ward 12**

Fulton, Derrick — Welcome (R 113-12) ..... 50  
 Morgana Run Phase One — Subdivision & Dedication Plat — East 71st St., East 72nd St., Aetna Rd., — Proposed Gerome Dr. & Garland Court (F 92-12)..... 49

**Ward 14**

Seymour Ave., 3607 & 3601 — PPN 007-20-007 / 008 — Land Reutilization Program — Luis Burgos  
 or Caribe Development, LLC. (O 1648-11)..... 57

West 18th St. And Auburn Ave. — PPN 004-07-093 / 094 / 095 / 098 & PPN 104-07-100 — Land  
 Reutilization Program — Nestle L. J. Minor or Designee (O 1650-11) ..... 57

**Ward 15**

Healey, Michael — Congratulations (R 108-12) ..... 50

Vietnamese Community Of Greater Cleveland, Inc. / “Year Of The Dragon” — Recognition  
 (R 111-12)..... 50

West 47th St., 2165 (1st Fl. & Bsmt.) — withdraw objection to renewal — repeal Res. 998-11 —  
 liquor permit (R 84-12) ..... 57

West 68th St., — intention to vacate a portion — City Planning Commission — Capital  
 Projects (R 80-12)..... 54

**Ward 18**

Diasio, Leonard — Recognition (R 112-12) ..... 50

Misheff, Donald T. — Congratulations (R 109-12) ..... 50

**Ward 19**

Mone, Sr., Frederick Martin — Condolence (R 107-12)..... 50

Public Works — City leasing property at 14550 Lorain Avenue from Pleasant  
 Valley Enterprises Limited Partnership (O 1684-11)..... 57

**Welcome**

Fulton, Derrick — Welcome (R 113-12) ..... 50

**Western Reserve Area Agency on Aging**

Aging Department — Notification of acceptance of a grant — \$ 1,000.00 (WRAAA) Support The  
 2012 Medicare Improvements for Patients and Providers Act (MIPPA) Beneficiary  
 Outreach and Assistance Program (F 86-12) ..... 49

**Zoning**

Hancock Ave. (East of West 28th St.) — Change Use, Area Districts — City Planning  
 Commission (Ward 03) (O 1602-11)..... 58