

The City Record

Official Publication of the Council of the City of Cleveland



October the Sixteenth, Two Thousand and Thirteen

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	16920 Throckley Avenue	44128
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

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
 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 – Jomarie Wasik, Director

DIVISIONS:

Architecture and Site Development – Robert Vitkas, Chief Architect, Manager
 Engineering and Construction – Richard J. Switalski, Manager
 Real Estate – James DeRosa, Commissioner

DEPT. OF LAW – Barbara A. Langhenry, Director, _____, Chief Counsel,
 Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
 Room 106: John Skrtic, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – James Hartley, Interim 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 – Tiffany White, 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 – Paul Bender, 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 – Antionette Thompson, Interim Commissioner
 Property Management – Tom Nagle, Commissioner
 Recreation – Samuel Gissentaner, Interim Commissioner
 Streets – _____, Commissioner
 Traffic Engineering – Robert Mavec, Commissioner
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

DEPT. OF PUBLIC HEALTH – Karen Butler, 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 – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive
 Fire – Daryl W. McGinnis, 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 – John Mahoney, 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 – Narid Hussain, 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 Whit.

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, Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.F. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Capital Projects Director Jomarie Wasik, Law Director Barbara A. Langhenry; Council Member Eugene R. Miller.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Barbara A. Langhenry; Utilities Director Paul Bender; 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 – 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, Giancarlo Calicchia, John Torres, Robert Vitkas, Robert Keiser, Secretary.

AUDIT COMMITTEE – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; 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 Charles J. Bauernschmidt – Courtroom 12A
 Judge Pinkey S. Carr – Courtroom 12B
 Judge Marilyn B. Cassidy – Courtroom 13A
 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 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, Gregory A. Sims – Chief Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate, Victor Perez – City Prosecutor

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WEDNESDAY, OCTOBER 16, 2013

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CITY COUNCIL

MONDAY OCTOBER 14, 2013

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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.

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

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, Sweeney.

MONDAY

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

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:** Zone, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Mitchell, 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:** Pruitt, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Kelley, Miller, Polensek, 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.

Sustainability Sub-Committee: Zone, Chair; Westbrook, Vice Chair; Cummins.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 14, 2013

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

Council Members present: Dona Brady, Anthony Brancatelli, Joe Cimperman, Phyllis E. Cleveland, Kevin Conwell, Kenneth L. Johnson, Martin J. Keane, Kevin J. Kelley, Eugene R. Miller, Mamie J. Mitchell, Michael D. Polensek, Terrell H. Pruitt, Zack Reed, Martin J. Sweeney and Jay Westbrook.

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Regional Development Chris Warren, Chief of Sustainability Jenita McGowan, and Directors Langhenry, Bender, Smith, Butler, Flask, Cox, Rybka, Southerington, Nichols, Fumich, Ambroz, and Acting Director Vilkas.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Rabbi Emeritus Alan Lettovsky, Beth Israel-West Temple, Cleveland, Ohio (Ward 19). Pledge of Allegiance.

MOTION

On the motion of Council Member Kenneth Johnson, the reading of the

minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Keane.

STATEMENT OF WORK ACCEPTANCE

File No. 1403-13.

From Department of Public Utilities, City of Cleveland — Emergency repairs to marble at 1201 Lakeside Avenue. Contractor: The Cleveland Marble Mosaic Company. Contract: CT2002-PI2012*036. Date of Acceptance: May 6, 2013. Received.

File No. 1404-13.

From Department of Public Utilities, City of Cleveland — Crown Chemical Systems Upgrade and Miscellaneous Improvements Project. Contract: PI2011*005. Date of Acceptance: December 2012. Received.

File No. 1405-13.

From Department of Public Safety, City of Cleveland — First District Police Headquarters Structural Improvements. Contract: #PI2013*008. Date of Acceptance: September 17, 2013. Received.

File No. 1406-13.

From Mayor's Office of Capitol Projects, City of Cleveland — Demolition Package C, Highland Gold Course. Contract: #PI2013*068. Date of Acceptance: September 30, 2013. Received.

File No. 1407-13.

From Department of Public Safety, City of Cleveland — Fourth District Police Headquarters HVAC and Roof Improvements. Contract: #PI2013*006. Date of Acceptance: October 6, 2013. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1419-13—Bessie Mae Gistand.

Res. No. 1420-13—Betty Jean Conway Berry.

Res. No. 1428-13—Delores Smith.

Res. No. 1429-13—Mary Jane "MJ" Buckshot.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 1421-13—Linda S. Henriksen.

Res. No. 1422-13—Achill-Cleveland Twinning Group — 10th Anniversary.

Res. No. 1423-13—William E. "Bill" Conway.

Res. No. 1424-13—Rev. Peter O. Jackson.

Res. No. 1425-13—Pastor Eddie Lee Burge, III.

WELCOME RESOLUTIONS

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

Res. No. 1426-13—Michael Ring, TD, Minister of State for Tourism & Sport (County Mayo, Ireland).

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1408-13.

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

An emergency ordinance to amend Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1604-11, passed December 5, 2011, relating to land reutilization programs.

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 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1604-11, passed December 5, 2011, is amended to read as follows:

Section 183.021 Land Reutilization Programs

(a) *Residential Land Bank.*

(1) The Director of Community Development shall administer a Land Reutilization Program for residential property established under RC Chapter 5722 and adopted and implemented by Ordinance 2076-76, passed October 25, 1976, and shall perform the duties specified in RC 5722.06. Land acquired as part of the Land Reutilization Program for residential property may be referred to as Residential Land Bank property.

(2) If Residential Land Bank property is sold, it shall be sold according to the terms of RC Chapter 5722, without competitive bidding, for not less than fair market value, with reference to such terms and conditions, restrictions and covenants to assure the effective reutilization of the land, as the Board of Control shall determine and authorize, and the land shall be conveyed notwithstanding any other provisions of the Codified Ordinances to the contrary.

(3) If a member of Council does not disapprove or request a hold in writing to the Director of Community Development within forty-five (45) days of notification of a proposed sale, **easement conveyance**, or lease of a property in the Residential Land Bank in his or her ward then that process described in this section shall be used for the sale, **easement conveyance**, or lease of the property in his or her ward. Within forty-five (45) days of notification, a member of Council may submit a written request for one (1) additional thirty (30) day extension.

(4) The Commissioner of Purchases and Supplies when directed by the Director of Community Development is authorized to sell or lease any land

in the Residential Land Bank if the purchaser of the land is neither tax delinquent nor has any existing Building or Housing Code violations on property owned in the City. Each instrument of conveyance shall contain provisions and use restrictions as Council deems necessary or appropriate to protect the interests of the neighborhood and the City.

(5) **The Commissioner of Purchases and Supplies when directed by the Director of Community Development is authorized to convey easement interests in any land in the Residential Land Bank at a price determined to be Fair Market Value by the Board of Control taking into account the nature of the easement and the easement shall be conveyed notwithstanding any other provision of the Codified Ordinances to the contrary.**

(6) That the conveyance of easement interests shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Community Development on behalf of the City of Cleveland. The deed of easement shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

(7) Before the acquisition of any residential property with multiple parcels into the Residential Land Bank, the Director of Community Development shall conduct all appropriate inquiries in accordance with rules adopted by the United States Environmental Protection Agency under the requirements of the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. No. 107-118, 115 stat. 2356).

(b) *Industrial-Commercial Land Bank.*

(1) The Director of Economic Development shall administer a Land Reutilization Program for industrial and commercial property established under RC Chapter 5722 and adopted and implemented by Ordinance 2076-76, passed October 25, 1976, and shall perform the duties specified in RC 5722.06. Land, including residential properties, acquired as part of the Land Reutilization Program for industrial and commercial property may be referred to as Industrial-Commercial Land Bank property.

(2) If Industrial-Commercial Land Bank property is sold, it shall be sold according to the terms of RC Chapter 5722, without competitive bidding, for not less than fair market value, with reference to such terms and conditions, restrictions and covenants to assure the effective reutilization of the land, as the Board of Control shall determine and authorize, and the land shall be conveyed notwithstanding any other provisions of the Codified Ordinances to the contrary.

(3) If a member of Council does not disapprove or request a hold in writing to the Director of Economic Development within forty-five (45) days of notification of a proposed sale, **easement conveyance**, or lease of a property in the Industrial-Commercial Land Bank in his or her ward then that process described in this section shall be used for the sale, **easement conveyance**, or lease of the property in his or her ward. Within forty-five (45) days of notification, a member of Council may submit a written request for one (1) additional thirty (30) day extension.

(4) The Commissioner of Purchases and Supplies when directed by the Director of Economic Development is authorized to sell or lease any land in the Industrial-Commercial Land Bank if the purchaser of the land is neither tax delinquent nor has any existing Building or Housing Code violations on property owned in the City. Each instrument of conveyance shall contain provisions and use restrictions as Council deems necessary or appropriate to protect the interests of the neighborhood and the City.

(5) **The Commissioner of Purchases and Supplies when directed by the Director of Economic Development is authorized to convey easement interests in any land in the Industrial-Commercial Land Bank at a price determined to be Fair Market Value by the Board of Control taking into account the nature of the easement and the easement shall be conveyed notwithstanding any other provision of the Codified Ordinances to the contrary.**

(6) That the conveyance of easement interests shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Economic Development on behalf of the City of Cleveland. The deed of easement shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

(7) Before the acquisition of any industrial or commercial property into the Industrial-Commercial Land Bank, the Director of Economic Development shall conduct all appropriate inquiries in accordance with rules adopted by the United States Environmental Protection Agency under the requirements of the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. No. 107-118, 115 stat. 2356).

(8) The Director of Economic Development is authorized to deposit the proceeds from the sale of any industrial or commercial property from the Industrial-Commercial Land Bank into Special Revenue Fund No. 17 SF 965. This fund shall be used for costs associated with acquisition, maintenance, remediation, and **disposition of Industrial-Commercial Land Bank property** including costs for insurance and for activities related to the recovery of costs incurred on these properties. Further, funds received by the City of Cleveland as a result of direct insurance claim settlements, cost recovery efforts initiated by the Land Reutilization Program for industrial and commercial property, demolition or remediation actions as a result of the Program, and grants, donations or any other sources pledged to the Program shall be deposited in Special Revenue Fund No. 17 SF 965.

(9) The Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to employ and pay all fees for services necessary, including agents to conduct acquisition activities for the **acquisition, maintenance, remediation and disposition of the property** and to comply with any applicable Federal or state regulatory requirements, as well as to execute documents for the purchase of insurance on the property. The costs of these contracts shall be paid from Fund 17 SF 965 and from any other funds or subfunds which are appropriated for this use.

(10) The Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to secure a No Further Action Letter for property from Ohio EPA, including such covenants, declarations, or restrictions upon the property are required.

Section 2. That existing Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1604-11, 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 Community Development, Economic Development, Finance, Law; Committees on Community and Economic Development, Legislation, Finance.

Ord. No. 1409-13.

By Council Members Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to PATDAN VA LLC to encroach into the public rights-of-way of Superior Avenue N.E. and East 89th Street by installing, using, and maintaining a 5-foot wide landscape buffer strip.

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 PATDAN VA LLC, 4299 Cranwood Parkway, Warrensville Hts., Ohio, 44128 ("Permittee"), to encroach into the public rights-of-way of Superior Avenue N.E. and East 89th Street by installing, using, and maintaining a 5-foot wide landscape buffer strip at the following location:

5-foot Landscape Buffer Strip Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being a 5-foot wide landscape buffer strip within the rights-of-way of Superior Avenue N.E. (80.00 feet wide) and East 89th Street (50.00 feet wide) abutting Tract 4 in the Consolidation Plat of Superior Terrace of part or original 100 acre lot number 384 as shown by the recorded plat in volume 233 of maps, page 17 of Cuyahoga County records further described as follows:

Being a 5 foot strip extending easterly along the north right-of-way of Superior Avenue N.E. (80.00 feet wide) approximately 245 feet from the intersection of the north right of way of Superior Avenue N.E. (80.00 feet wide) and the east right-of-way of East 89th Street (50.00 feet wide) and being a 5 foot strip extending northerly along the east right-of-way of East 89th Street (50.00 feet wide) approximately 63 feet from the intersection of the north right-of-way of Superior Avenue N.E. (80.00 feet wide) and the east right-of-way of East 89th Street (50.00 feet wide).

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 first 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, a prospective 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. 1410-13.

By Council Members Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to West 25th Street Lofts LLC to encroach into the public right-of-way of Aust Avenue N.W. by installing, using, and maintaining bollards, a backup generator, an electric transformer, gas meter and utility ductbank on a 12-foot by 60-foot utility area.

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 West 25th Street Lofts LLC, 2611 Church Ave. Cleveland, Ohio 44113 ("Permittee"), to encroach into the public right-of-way of Aust Avenue N.W. by installing, using, and maintaining bollards, a backup generator, an electric transformer, gas meter and utility ductbank on a 12-foot by 60-foot utility area, at the following location:

Utility Area Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being a portion of Aust Avenue N.W. (width varies) further described as follows:

Commencing at the intersection of the west right of way of West 25th Street (104 feet wide) and the south

right of way of said Aust Avenue N.W. (12 feet wide); thence westerly along the south right of way of said Aust Avenue N.W. 165.00 feet to a widening of Aust Avenue N.W. (24 feet wide) and the principle place of beginning of the Utility Area Encroachment to be described;

Thence southerly 12.00 feet to the south right of way of said Aust Avenue N.W. (24 feet wide);

Thence westerly 60.00 feet along the south right of way of said Aust Avenue N.W. (24 feet wide) to a point;

Thence northerly 12.00 feet to a point;

Thence easterly 60.00 feet to a point and the place of beginning.

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 first 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, a prospective 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. 1411-13.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities.

Section 2. The aggregate cost of the contracts authorized shall not exceed

\$2,183,093, and shall be paid from Fund Nos. 14 SF 039 and 19 SF 671, RQS 8006, RL 2013-74.

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, Finance.

Ord. No. 1412-13.

By Council Members Reed, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to lease certain property to the Council for Economic Opportunities in Greater Cleveland at the Earle B. Turner Recreation Center located at 11300 Miles Avenue, for the purpose of operating a day care, for a term of one year, with five one year options to renew, exercisable by the Director of Public Works, the second and fourth of which are exercisable through additional legislative authority.

Whereas, the City of Cleveland owns certain property known as the Earle B. Turner Recreation Center located at 11300 Miles Avenue, which is suitable for lease and operation by another party for a public use; and

Whereas, Council for Economic Opportunities in Greater Cleveland ("CEOGC") has proposed to lease the property from the City; 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, the Director of Public Works is authorized to lease to CEOGC, certain property depicted on the map placed in File No. 1412-13-A which is suitable for lease and operation by another party for the public purpose of operating a day care facility for the term of the lease.

Section 2. That the term of the lease authorized by this ordinance shall not exceed one year, with five one year options to renew. The first of the one-year options to renew may be exercised by the Director of Public Works, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If

such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Public Works, without the necessity of obtaining additional authority of this Council. The fourth of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the fourth of the one-year options to renew is exercised, then the fifth of the one-year options to renew may be exercisable at the option of the Director of Public Works, without the necessity of obtaining additional authority of this Council.

Section 3. That the property described above shall be leased at a rental of \$1,266.67 per month which is determined to be fair market value. Any changes to the rental amount shall be fixed by the Board of Control at the fair market rate.

Section 4. That the lease may authorize CEOGC to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 6. That the Director of Public Works, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by 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 Public Works, City Planning Commission, Finance, Law; Committees on Public Parks, Properties, and Recreation, City Planning, Finance.

Ord. No. 1413-13.

By Council Members Conwell and Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of body cameras, including upgrades and replacement of damaged or obsolete equipment, managed storage, software updates, training, support, warranty, and maintenance for a period of one year, with a one-year option to renew, exercisable by the Director of Public Safety.

Whereas, this ordinance constitutes an emergency measure provid-

ing 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 Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements of the necessary items of body cameras and ancillary equipment, including upgrades and replacement of damaged or obsolete equipment, managed storage, software updates, and training for a one year period, with a one-year option to renew exercisable by the Director of Public Safety, and for maintenance and support agreements for the body cameras and ancillary equipment obtained under the authority of this ordinance for a period of one year once the warranty for body cameras and ancillary equipment has expired, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. 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 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 6001, RL 2013-39)

Section 3. 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 Public Safety 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 4. 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 Safety, Finance, Law; Committees on Public Safety, Finance.

FIRST READING ORDINANCES REFERRED

Ord. No. 1417-13.

By Council Member Miller.

An ordinance expanding the East Saint Clair Design Review District to include the north and south sides of Saint Clair between Eddy Road and E. 152nd Street as shown on the attached map (Map Change No. 2463).

Whereas, Councilman Miller has submitted a request to the City Planning Commission for expansion of the East Saint Clair Design Review District, established by Ordinance Number 63-2000, in accordance with the procedures outlined in Chapter 303 of the Codified Ordinances of the City of Cleveland; and

Whereas, such request is accompanied by a map identifying the boundaries of the proposed District; and

Whereas, the City Planning Commission has determined that the proposed expansion area meets the criteria for designation contained in Section 303.04 of Chapter 303 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, now, therefore

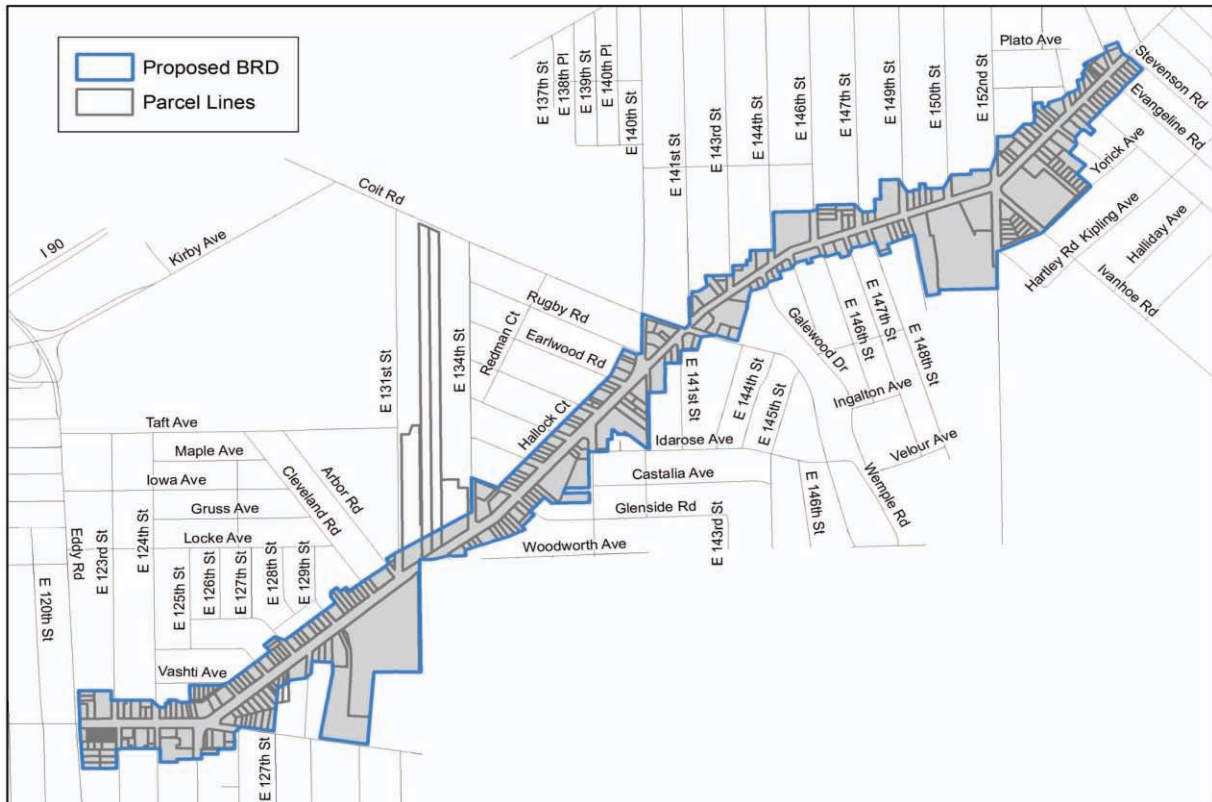
Be it ordained by the Council of the City of Cleveland:

Section 1. That the East Saint Clair Business Revitalization District is hereby

Expanded to include lands located on the north and south sides of Saint Clair Avenue between Eddy Road and E. 152nd Street as shown on the map attached

Section 2. That the designation of the area described in Section 1 hereof as the East Saint Clair Design Review District Expansion shall be identified as Map Change Number 2463 shall be noted on the Building Zone Maps of the City of Cleveland and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



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

Ord. No. 1418-13.

By Council Member Zone.

An ordinance changing the Use, Area and Height Districts of lands located on the north and south sides of Bridge Avenue between W. 58 St. and W. 48 St. to RA2, Multi-Family or Two Family and a 'B' or a 'C' Area District (Map Change No. 2461).

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

Section 1. That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of Bridge Avenue at its intersection with the centerline of W. 57th Street;

Thence southerly along said centerline of W. 57th Street to its intersection with the westerly prolongation of the southerly line of Sublot No. 184 in the Benedict & Root Subdivision shown on the recorded plat in Volume 1, Page 13 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation of said southerly line to its intersection with the southerly prolongation of the westerly line of a parcel of land conveyed to Berger Properties of Ohio, LLC by deed dated May 1, 2008 and recorded in Auditor's File Number 20080501072 said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-32-131;

Thence northerly, westerly and northerly along said southerly prolongation and said westerly line and along its northerly prolongation to its intersection with the centerline of Bridge Avenue;

Thence easterly along said centerline of Bridge Avenue to its intersection with the southerly prolongation of the easterly line of a parcel of land conveyed to Donna J. Graham by deed dated May 17, 1999 and recorded in Auditor's File Number 199905170821 said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-32-143;

Thence northerly along said southerly prolongation of said easterly line to its intersection with the westerly prolongation of the northerly line of a parcel of land conveyed to Jennifer Sponseller by deed dated February 8, 2002 and recorded in Auditor's File Number 200202081026 said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-32-174;

Thence easterly along said westerly prolongation of said northerly line and continuing along its easterly prolongation to its intersection with the centerline of W. 54th Street;

Thence northerly along said centerline of W. 54th Street to its intersection with the easterly prolongation of the southerly line of a Sublot Number 363 in the Benedict & Root Subdivision shown on the recorded plat in Volume 1, Page 13 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation and said southerly line to its intersection with the westerly line thereof;

Thence southerly along said westerly line and along its southerly prolongation to its intersection with the centerline of Bridge Avenue

Thence westerly along said centerline of Bridge Avenue to its intersection with the centerline of W. 57th Street and the principal place of beginning.

and as identified on the attached map are changed to an Two Family Residential District and a 'B' Area District.

Section 2. That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of W. 48th Street at its intersection with the centerline of Bridge Avenue;

Thence southerly along said centerline of W. 48th Street to its intersection with the easterly prolongation of the southerly line of a parcel of land conveyed to Charles L. Butts by deed dated April 30, 1999 and recorded in Auditor's File Number 199904301836; said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-35-169;

Thence westerly along said easterly prolongation of said southerly line to its intersection with the westerly line thereof;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of Bridge Avenue;

Thence easterly along said centerline of Bridge Avenue to its intersection with the centerline of W. 48th Street and the principal place of beginning.

and as identified on the attached map are changed to a Multi-Family Residential District, a 'C' Area District.

Section 3. That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of Bridge Avenue at its intersection with the centerline of W. 58th Street

Thence southerly along said centerline of W. 58th Street to its intersection with the westerly prolongation of the northerly line of Sublot Number 42 in the Chas G. Sommer Subdivision shown on the recorded plat in Volume 2, Page 41 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation of said northerly line to its intersection with the easterly line thereof;

Thence northerly along said easterly line to its intersection with the northerly line of Sublot Number 43 in the N.M Standart Subdivision shown on the recorded plat in Volume 1, Page 22 of Cuyahoga County Map Records;

Thence easterly along said northerly line and along its easterly prolongation to its intersection with the centerline of W. 57th Street;

Thence northerly along said centerline of W. 57th Street to its intersection with the centerline of Bridge Avenue;

Thence westerly along said centerline of Bridge Avenue to its intersection with the centerline of W. 58th Street and the principal place of beginning.

and shaded on the attached map is changed to an RA2 Townhouse District and eliminating the Area District.

Section 4. That the changed designation of lands described in Section 1 through 4 shall be identified as Map Change No. 2461, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



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

**FIRST READING EMERGENCY
RESOLUTIONS REFERRED**

Res. No. 1414-13.

By Council Members Mitchell, Miller, Cleveland and Kelley (by departmental request).

An emergency resolution declaring the intent to vacate a portion of East 97th Street (56.00 feet wide).

Whereas, this Council is satisfied that there is good cause to vacate a portion of East 97th Street (56.00 feet wide), 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:

**VACATION OF A PORTION
OF EAST 97TH STREET
(56 FEET WIDE)**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of the Original 100 Acre Lots No. 400 and 401 and more particularly bounded and described as follows:

Beginning at a drill hole in a stone in a monument box found at an angle point on the centerline of Chester Avenue N.E. (86 feet wide);

Thence South 86° 54' 48" East, along the centerline of said Chester Avenue N.E., a distance of 55.88 feet to a point, said point being witnessed by a drill hole in a stone in a monument box found north 0.02 feet and east 0.06 feet;

Thence South 00° 53' 30" East, a distance of 43.10 feet to a 5/8" iron pin set w/cap on the southerly line of Chester Avenue N.E., and the TRUE POINT OF BEGINNING of the herein described tract of land;

01. Thence South 00° 53' 29" East, a distance of 660.99 feet to a 5/8" iron pin set w/cap on the northerly line of Euclid Avenue (Variable Width);

02. Thence South 88° 38' 25" West, along the northerly line of said Euclid Avenue, a distance of 56.00 feet to a 5/8" iron pin set w/cap;

03. Thence North 00° 53' 29" West, a distance of 665.34 feet to a 5/8" iron pin set w/cap on the southerly line of said Chester Avenue N.E.;

04. Thence South 86° 54' 48" East, along the southerly line of said Chester Avenue N.E., a distance of 56.14 feet to the True Point of Beginning and containing, more or less 0.853 acres and subject to all legal easements, restrictions, reservations, conditions and rights-of-way of previous record.

Basis of Bearing for this legal description is North 87° 03' 05" East as the centerline of Euclid Avenue as evidenced by monuments found using Ohio State Plane Coordinate

System, North Zone (NAD83-1995) Datum by ties to the O.D.O.T. CORS Network and are for the purpose of indicating angles;

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.

Res. No. 1415-13.

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

An emergency resolution declaring the intent to vacate a portion of West 20th Street (66.00 feet wide).

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 20th Street (66.00 feet wide), 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:

Portion of West 20th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being all that portion of West 20th Street (66.00 feet wide) extending from the northerly line of that vacated portion of Franklin Avenue N.W. (60.00 feet wide) and West 20th Street (66 feet wide) as shown in Volume 202 of Maps, page 59 of Cuyahoga County Records, northerly to its northerly 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. 1416-13.

By Council Member Mitchell.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Fairfax Renaissance Development Corporation for the Holiday Food Gift Program through the use of Ward 6 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement effective November 1, 2013 with the Fairfax Renaissance Development Corporation for the Holiday Food Gift Card Program for the pub-

lic purpose of providing food gift cards to low-to-moderate income residents residing in the city of Cleveland through the use of Ward 6 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1427-13.

By Council Members Westbrook, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to repeal Ordinance No. 891-05, passed July 13, 2005, relating to the vacation of a portion of West 89th Street.

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 Ordinance No. 891-05, passed July 13, 2005, is repealed.

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.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1300-13.

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

An emergency ordinance to amend the title of Ordinance No. 660-13, passed May 20, 2013; to supplement the ordinance by adding new Section 7 authorizing the Director of Community Development to hire consultants; and to renumber existing Sections 7 and 8 to new Sections 8 and 9, relating to the Storefront Renovation Program.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1301-13.

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

An emergency ordinance to amend Sections 1 and 10 of Ordinance No. 692-11, passed June 6, 2011 and to supplement the ordinance by adding new Section 9a; and to authorize the Director of Community Development to accept and utilize repayments under the Neighborhood Stabilization Program III.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

MOTION

On the motion of Council Member Kenneth Johnson, the absences of Council Members Brian J. Cummins, TJ Dow, Jeffrey D. Johnson and Matthew Zone are hereby authorized. Seconded by Council Member Keane.

MOTION

The Council Meeting adjourned at 7:28 p.m. to meet on Monday, October 21, 2013, at 7:00 p.m. in the Council Chamber.



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

October 9, 2013

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 9, 2013 at 10:37 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Absent: Mayor Jackson.

Others: Natoya Walker-Minor, Interim Director, Office of Equal Opportunity.

Tiffany White, Commissioner, Purchases & Supplies.

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

Resolution No. 590-13.

By Director Bender.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on June 5, 2013 for an estimated quantity of High Voltage Switching Equipment, Group 1, Item 1-5, for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 591-13.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Professional Electric Products Co. dba PEPCO for an estimated quantity of PVC and FRE ductline materials including, but not limited to conduit, fittings, elbows, spacers, expanders, reducers, adhesives and related materials necessary to construct electrical ductlines, Group A, all items, Group B, item 3, Group D, all items, Group E, all items, Group F, all items, Group G, all items, Group H, all items, Group I, all items, Group J, all items, Group K, all items, Group L, all items, Group M, all items, Group N, all items, Group O, all items, and Group Q, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on June 28, 2013 under the authority of Ordinance No. 362-11, passed May 9, 2011, which on the basis of the estimated quantity would amount to \$383,498.93 (0% 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services.

The requirement contract shall further provide that the Contractor will furnish the remainder of the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 592-13.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Osburn Associates, Inc. for an estimated quantity of PVC and FRE ductline materials, including but not limited to conduit, fittings, elbows, spacers, expanders, reducers, adhesives and related materials necessary to construct electrical ductlines, Group B, item 4,

Group C, all items, and Group P, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on June 28, 2013 under the authority of Ordinance No. 362-11, passed May 9, 2011, which on the basis of the estimated quantity would amount to \$42,930.59 (0%, 0 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services.

The requirement contract shall further provide that the Contractor will furnish the remainder of the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 593-13.

By Director Bender.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 25, 2013 for the Purchase of Labor and Materials necessary to maintain, repair, and replace Substation Transformers, all items, for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 813-11, passed July 20, 2011, are rejected.

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 594-13.

By Director Bender.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for the public improvement of East 149th Street Sewer Replacement Project (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on August 15, 2013, under the authority of Ordinance No. 614-13, passed May 20, 2013, upon a unit basis for the improvement, in the aggregate amount of \$812,660.20, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Company, Inc. for the above-mentioned public improvement is approved:

SUBCONTRACTOR CSB/MBE/FBE WORK

Rockport Construction CSB/FBE
\$179,000.00(22.03%)

The Vallejo Company CSE/MBE
\$ 65,000.00(8.00%)

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 595-13.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of HD Supply Waterworks, Ltd. for an estimated quantity of pipe repair clamps, items 1, 5, 8, 9, 12, 15, 16 and 18-21, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on July 25, 2013 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$131,183.70 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 596-13.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Ferguson Enterprises Inc. dba Ferguson Waterworks for an estimated quantity of pipe repair clamps, items 2-4, 6, 7, 10, 11, 13, 14, 17, 22, 23 and 23a, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on July 25, 2013 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$353,788.58 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 597-13.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Trumbull Industries, Inc. for an estimated quantity of pipe repair clamps, items 24 and 24a, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on July 25, 2013 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$35,000.00 (0%, 0 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 598-13.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 1055-12, passed by the Council of the City of Cleveland on October 1, 2012, the firm of Language Services Associates, Inc., ("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 over-the-phone language translation services and video remote and video relay services for American sign language interpretation assistance, for a period of one year, with three one-year options to renew, for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Language Services Associates, Inc. for the above-mentioned services, based upon its proposal dated June 24, 2013, which contract shall be prepared by the Director of Law, shall provide that the compensation to Language Services Associates, Inc. for the services authorized shall not exceed \$50,000.00 per year, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

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

Resolution No. 599-13.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subconsultants by The Great Lakes Construction Co., under City Contract No. PI2013*071 for the public improvement of rehabilitating the South Cargo Ramp and reconstructing Taxiway N at Cleveland Hopkins International Airport, authorized by Ordinances No. 746-12 and No. 878-13, respectively passed by the Cleveland City Council on June 4, 2012 and July 10, 2013, and Board of Control Resolution No. 282-13, adopted June 12, 2013, is approved.

<u>Subconsultant</u>	<u>Percentage Amount</u>
RAR Contracting Co, Inc.	0.17%-DBE \$ 13,080.00
Timeline Photography	0.06%-DBE \$ 4,500.00
Hi-Lite Markings, Inc.	0.70%-Non-DBE \$ 52,760.00
Whitacre Engineering Co.	0.10%-Non-DBE \$ 9,928.00
Southwest Sweeping	0.60%-Non-DBE \$ 43,750.00
Great Northern Fence	0.10%-Non-DBE \$ 9,930.00
CTL Engineering, Inc.	0.30%-Non-DBE \$ 28,000.00

Be it further resolved that the amounts attributed to the following subconsultants approved in Board of Control Resolution No. 282-13, adopted June 13, 2013, are amended as follows:

<u>Subconsultant</u>	<u>Percentage Amount</u>
Brown Transfer Company	4.20%-DBE \$ 326,669.75
P.G.T. Construction, Inc.	7.55%-DBE \$ 587,178.00

North Electric, Inc.	2.18% -DBE \$ 170,000.00	Ballast Fence	0.0% CSB/FBE To be determined
Clarke Family Trucking	3.35% -DBE \$ 261,000.00	Action Door	0.0% CSB/FBE To be determined
Antigo Construction, Inc.	.30% Non-DBE \$ 26,162.15	Mike McGarry & Sons	0.0% CSB To be determined
Cem-Base	1.20% Non-DBE \$ 93,910.75	Imperial Mechanical	0.0% CSB/FBE To be determined
Dot Diamond	0.20% Non-DBE \$ 18,527.00	Gateway Electric	0.0% CSB/MBE To be determined
Kokosing Construction	6.80% Non-DBE \$ 526,072.60	Schoenbrunn	Non-certified \$ 9,175.00
The C.J. Zak Company, Inc.	1.00% Non-DBE \$ 77,208.68	North Coast Paving	Non-certified \$252,827.00
Anthony Allega Cement Contractor, Inc.	39.30% Non-DBE \$3,059,924.29	Phoenix Cement	Non-certified \$226,000.00
Zenith Systems, LLC.	10.70% Non-DBE \$ 828,769.00	LMR Masonry	Non-certified \$339,800.00
Tenable Protective Services	0.40% Non-DBE \$ 30,972.00	Mull Iron	Non-certified \$122,000.00
Swank Construction Co. LLC.	1.45% Non-DBE \$ 109,000.00	JWT & A	Non-certified \$ 45,000.00
		Courtad	Non-certified \$143,000.00
		Coon Restoration	Non-certified \$ 52,000.00
		Cleveland Vicon	Non-certified \$ 7,000.00
			Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka. Nays: None. Absent: Mayor Jackson and Director Cox.
			Resolution No. 601-13. By Director Flask. Whereas under the authority of Ordinance No. 1606-07, passed by the Cleveland City Council on October 15, 2007, the City of Cleveland, through the Director of Public Safety, entered into an agreement with Intergraph Corporation, City Contract No. 67549, for a period of one year with two options to renew for an additional one-year period, for maintenance and technical support services for the Computer-Aided Dispatch System and Mobile System, for the Divisions of Police, Fire, and EMS, Department of Public Safety; and Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with the software vendor for professional services necessary to implement or maintain the software, including but not limited to, maintenance, repair, upgrade, enhancements, and technical support; and Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Intergraph Corporation to obtain the professional maintenance and technical support services necessary to maintain and upgrade the Computer-Aided Dispatch System and Mobile System for one year starting October 1, 2013 now, therefore,
			Be it resolved by the Board of Control of the City of Cleveland that under division (e) of Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the agreement with Intergraph Corporation is fixed at an amount not to exceed \$305,300.00. Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka. Nays: None. Absent: Mayor Jackson and Director Cox.
			Resolution No. 602-13. By Director Cox. Whereas, under the authority of Ordinance No. 10-12, passed May 14, 2012 by the Council of the City of Cleveland, and Resolution No. 357-12, approved by the Board of Control on July 25, 2012, on September 24, 2012, the Director of Public Works entered into a concession agreement with M.A.N. Golf Ohio, LLC for a period of ten years, with two five-year options to renew, for operation of the Highland Park Golf Course; and Whereas, the Director of Public Works desires to amend the terms of the above agreement with M.A.N. Golf Ohio, LLC to eliminate the rental charge for use of the cemetery maintenance building; now, therefore, Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Works is authorized to enter into an amendment to the concession agreement with M.A.N. Golf Ohio, LLC ("Concessionaire") to eliminate the rental charge for use of the cemetery maintenance building. The amendment shall be prepared by the Director of Law, and shall contain such other terms and conditions as the Director of Law deems appropriate to protect and benefit the interest of the City. Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka. Nays: None. Absent: Mayor Jackson and Director Cox.
			Resolution No. 603-13. By Director Cox. Whereas, the City of Cleveland owns and operates certain real property commonly known as the Willard Park Garage under the supervision and direction of the Director of Public Works; and Whereas, All Star Valet Services wishes to offer valet parking services to the general public for the Demarco wedding to be held in the Cleveland City Hall Rotunda; Whereas, the City is willing to grant All Star Valet Services the privilege, permit and license to use the Willard Park Garage for the above-mentioned purpose and term for a fee of \$450.00; now, therefore, Be it resolved by the Board of Control of the City of Cleveland that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio,

<u>Subconsultant</u>	<u>Percentage Amount</u>
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Chieftain Trucking	11.159% CSB/FBE \$385,000.00
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1976, the Director of Public Works is authorized to enter into a concession agreement granting All Star Valet Services the privilege, permit and license to use Willard Park Garage on November 9, 2013 for an event to be held at the Cleveland City Hall Rotunda, for a concession fee of \$450.00.

EVENT DATE

Demarco wedding November 9, 2013

Be it further resolved that the concession agreement authorized above shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit public interest.

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

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

Resolution No. 604-13.

By Director Cox.
Whereas, the City of Cleveland owns and operates certain real property commonly known as the Willard Park Garage under the supervision and direction of the Director of Public Works; and

Whereas, MVP Valet Services wishes to use the Willard Park Garage to offer valet parking services to the general public for the Cleveland Clinic Gala to be held in the Cleveland City Hall Rotunda;

Whereas, the City is willing to grant MVP Valet Services the privilege, permit and license to use the Willard Park Garage for the above-mentioned purpose and term for a fee of \$450.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a concession agreement granting MVP Valet Services the privilege, permit and license to use Willard Park Garage on October 15, 2013 to offer valet parking services to the public for the Cleveland Clinic Gala to be held in the Cleveland City Hall Rotunda, for a concession fee of \$450.00.

EVENT DATE

Cleveland Clinic Gala October 15, 2013

Be it further resolved that the concession agreement authorized above shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit public interest.

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

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

Resolution No. 605-13.

By Director Cox.
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. 134-13-098 located at 8005 Goodman Ave. in Ward 2; and

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

Whereas, Ariel Phames and Sylvester Ferguson, Jr. have 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 2 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the 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 Ariel Phames and Sylvester Ferguson, Jr. for the sale and development of Permanent Parcel No. 134-13-098 located at 8005 Goodman Ave., according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Acting Directors Wood, Camacho, Directors Butler, Acting Director Eckart, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

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

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, OCTOBER 28, 2013

9:30 A.M.

Calendar No. 13-219: 4931 State Road (Ward 13)

Ioannis Vasilakis, owner, and Ishaq Alhamzeh, prospective tenant, appeal to change from an auto parts store to granite countertop sales/contractor shop the use of an existing one-story building on a 41.35' x 105.64' corner parcel in a B1 General Retail Business District; contrary to the limitations of Section 343.11(b)(2)(N), approximately 75% of building floor space will be used for treatment of products, and office, display and sales space of a wholesale, jobbing or distributing establishment is permitted only if not more than 25% of the building floor area is used for making, assembling, remodeling, repairing, altering, finishing or refinishing of product or merchandise; and proposing an area for loading and unloading less than 50 feet from the street contrary to Section 343.11(b)(2)(N)(3) that requires adequate off-street loading and unloading facilities to be provided and designed so that any standing vehicles using them shall not be visible from the streets or not nearer than 50 feet to the street; and subject to Section 352.07(b)(2)(A) the continuation of a nonconformity in required landscaping requires a determination of the Board of Zoning Appeals prior to the issuance of a building permit or certificate of occupancy for a new use; and pursuant to Zoning Code Section 352.08-12 a landscaping strip 120 feet wide providing 75% year round opacity is required at the rear of the property abutting a residence district and none is shown..

Calendar No. 13-221: 15800 Norway Avenue (Ward 19)

Mark and Tracy Benton, owners, appeal to install 72 linear feet of wooden fence 8 feet high in the rear yard of a 71.50' x 138.08' parcel

located in an A1 One-Family District; contrary to the Fence Regulations in the Cleveland Zoning Code under Section 358.04(a) in a residence district a fence in the rear yard cannot exceed 6 feet in height.

Calendar No. 13-222: 1843 Fulton Road (Ward 3)

Alex Preedy, owner, appeals to construct a carport, bicycle storage and trash enclosure on an irregular parcel located in s B1 Two-Family District; and contrary to Section 337.23(a), the proposed garage/carport roof overhang, accessory building, is on the property line and shall be located a minimum of 18 inches from all property lines; and subject to Section 353.05 in residence districts an accessory building shall not exceed 15 feet in height or the distance from it to a main building or potential location of a main building on adjoining premises, whichever is less, and the proposed structure is located within 2'-8" of a main building on the adjoining lot; and as shown on Building Zone Map Page 1, a 10 feet established building setback line exists along the rear of the lot, Bridge Avenue, and the proposed carport is located within the required street setback, contrary to Section 357.07 in the Cleveland Codified Ordinances.

Calendar No. 13-226: Appeal of International Union of Operating Engineers Local 18 (Ward 8)

The International Union of Operating Engineers Local 18 appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the City of Cleveland Planning Commission rendered on September 20, 2013 to deny The International Union of Operating Engineers Local 18 its request for a demolition permit for its property located at 3600 Euclid Avenue.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 14, 2013

At the meeting of the Board of Zoning Appeals on Monday, October 14, 2013, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 13-215: 1687 East 81st Street

Dorothy Pitts appealed to install approximately 14 linear feet of 6 feet high wooden fence in the actual side yard of a parcel in a B1 Two-Family District.

Calendar No. 13-127: 2133 West 81st Street

Moneeke Davis appealed to install approximately 35 linear feet of 4 feet high chain link fence in the actual front yard and 35 linear feet of 5 feet high chain link fence in an actual side yard of a parcel in a B1 Two-Family District; subject to condition.

Calendar No. 13-195: 16605 Miles Avenue

Columbo Enterprises, owner, and Miles-FDRTS, prospective purchaser, appealed to construct a retail store on consolidated parcels in zoning between C1 Local Retail Business and C1 Multi-Family Districts.

The following appeal was **WITHDRAWN:**

Calendar 13-212: 2201 Saratoga Avenue

David Medlen appealed to erect a 33' x 24' accessory garage with second floor for personal storage in a B1 Two-Family District.

The following appeal was **DISMISSED:**

Calendar No. 13-202: 4100 West 150th Street

PNC Bank appealed to grind, re-surface, re-seal and re-stripe a parking lot on acreage in a General Industry District.

The following appeals were **POSTPONED:**

Calendar No. 13-206: 1819 Abbey Avenue - Parcel A-1 postponed to December 2, 2013.

Calendar No. 13-207: 1819 Abbey Avenue - Parcel A-2 postponed to December 2, 2013.

Calendar No. 13-208: 1819 Abbey Avenue - Parcel A-3 postponed to December 2, 2013.

Calendar No. 13-209: 1819 Abbey Avenue - Parcel A-4 postponed to December 2, 2013.

Calendar No. 13-210: 1819 Abbey Avenue - Parcel A-5 postponed to December 2, 2013.

Calendar No. 13-211: 1819 Abbey Avenue - Parcel A-6 postponed to December 2, 2013.

Calendar No. 13-162: 5466 Broadway Avenue postponed to December 9, 2013.

Calendar No. 13-186: 7830 Kinsman Road postponed to December 9, 2013.

The following appeals heard by the Board on October 7, 2013 were adopted and approved on October 14, 2013.

The following appeals were **APPROVED:**

Calendar No. 13-191: 1404-06 West 29th Street

Striebinger Block, LLC, owner, and 1404 West 29th Street, LLC, tenant, appealed to change use from a store to a restaurant and bar in a D2 Semi-Industry District; subject to condition.

Calendar No. 13-201: 1561 East 118th Street

University Place LP aka Bluewater Capitol appealed to erect 19 townhouses in a C1 General Retail Business District.

Calendar No. 13-205: 5201 Northcliff Avenue

Dwight and Gayle Lee appealed to erect a one-story gable garage in a B1 Two-Family District.

Calendar No. 13-140: 3006 Franklin Boulevard

Wael Ayyad appealed to erect a two-story bedroom addition to an existing residence in split zoning between B1 Two-Family and D2 Residence Industry Districts.

The following appeals were **DENIED:**

Violation Notice

Calendar No. 13-203: 3478 West 88th Street

Samuel Velez appealed from a decision of the City of Cleveland Parking Violations Bureau, Waste Collection and Photo Safety Division.

Calendar No. 13-144: 1089 West 3rd Street

Greater Cleveland Regional Transit Authority appealed for a 58'4" x 20'2" billboard sign located in B2 General Industry and Business Revitalization Districts.

Calendar No. 13-145: 1180 West 9th Street

Greater Cleveland Regional Transit Authority appealed for a 22'6" x 20'5" billboard sign located in a G5 General Retail Business and Business Revitalization Districts.

The following appeal heard by the Board on September 30, 2013 was adopted and approved on October 14, 2013.

The following appeal was **APPROVED:**

Calendar No. 13-200: 11610 Euclid Avenue

The Cleveland Institute of Art appealed to construct a new addition to the Joseph McCullough Cener for the Arts in a C4 General Retail Business District; subject to condition.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of October 9, 2013

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-177-13.

RE: Appeal of Cleveland Metropolitan School District (Watterson Lake School), Owner of the Educational - Schools, Child Day Centers Three Story Masonry Walls/Wood Property, located on the premises known as 7407 Detroit Avenue from a CONDEMNATION ORDER - MAIN STRUCTURE, dated May 30, 2013 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 appeal for additional time to think about the project, but to require the Appellant to present the issues outlined in the request within forty-five (45) days to the Cleveland Landmarks Commission for approval, with no additional time for demolition of the property beyond ninety (90) days, noting that the issue is to be agreed upon by the Building Department; 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. Gallagher.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke Nays: Mr. Saab

* * *

Docket A-179-13.

RE: Appeal of St. Clair Superior Development Corporation, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 1209 East 71st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated November 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 grant the Appellant sixty (60) days in which to present an initial plan to the Department of Building and Housing for proceeding with the 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. Maschke and seconded by Mr. Bradley.

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

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Docket A-180-13.

RE: Appeal of Robert C. Johnson, Owner of the Residential Property, located on the premises known as 2791 East 127th Street from a LIMITATION ON THE PERMITS, dated January 11, 2013 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).

No action this date. The docket will be rescheduled in two (2) weeks.

* * *

Docket A-184-13.

RE: Appeal of Todd J. Knight, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 7128 Brinsmade Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated June 28, 2013 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 Appeal for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting the condition of the property does indicate that renovation would be impractical. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-186-13.

RE: Appeal of Shirley Collier & Charles Lawrence, Owners of the MXD Mixed Uses – Multiple Uses In One Building Three Story Wood Frame/Siding/ Masonry Veneer Property, located on the premises known as 13612 Coit Road from a NOTICE OF VIOLATION — FIRE DAMAGE, dated June 10, 2013 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 nine (9) months in which to complete 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. Gallagher.

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

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Docket A-189-13.

RE: Appeal of Michael Benigni, Owner of the Two Dwelling Units Two-Family Residence Two Story Masonry Property, located on the premises known as 10703 Parkhurst Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated June 20, 2013 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 two (2) weeks in which to obtain all required permits and six (6) months in which to complete abatement of the violations, noting that the exterior work should be abated immediately, such as the porch, painting and things that the neighbors see, 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. Gallagher.

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

* * *

Docket A-192-13.

RE: Appeal of Becky Jaajaa, Owner of the One Dwelling Unit Single-Family Residence Two Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 6515 Wakefield

Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated June 20, 2013 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-192-13 has been POSTPONED; to be rescheduled for October 23, 2013.

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Docket A-193-13.

RE: Appeal of B & B Wrecking & Excavating, Inc., Owner of the F-2 Factory – Low Hazard (Non-combustibles) One Story Masonry Property, located on the premises known as 3138 Payne Avenue from a NOTICE OF VIOLATION — POOR WORKMANSHIP, dated June 20, 2013 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-193-13 has been POSTPONED; to be rescheduled for November 06, 2013.

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Docket A-194-13.

RE: Appeal of Dorothy E. Talbott, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame and One Story Garage – Detached Property, located on the premises known as 3528 West 118th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated June 28, 2013 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 obtain all required permits and that all work must be completed 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. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-197-13.

RE: Appeal of Bryan Shepherd, Owner of the MXD Mixed Uses – Multiple Uses In One Building Two & One/half Story Masonry Property, located on the premises known as 12100 Union Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, June 28, 2013 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 issued correctly, and the Appellant is granted sixty (60) days in which to abate 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. Gallagher and seconded by Mr. Bradley.
Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke Nays: None

* * *

Docket A-198-13.

RE: Appeal of Jesse V. Dickerson, Owner of the Three Dwelling Units Three-Family Residence Two & One-half Story Frame Property, located on the premises known as 1311 West 89th Street from a NOTICE OF VIOLATION — FIRE DAMAGE, dated June 13, 2013 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 permits for the mechanical and electrical work within two (2) weeks, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the Appellant will work under the existing permits. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-199-13.

RE: Appeal of Preferred Property Services, LLC, Owner of the Property, located on the premises known as 5502 Fleet Avenue from a CONDEMNATION ORDER — GARAGE, dated July 2, 2013 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 Appellant's appeal request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-200-13.

RE: Appeal of Ojala Properties LLC, Owner of the Property, located on the premises known as 1616 West 25th Street from a NOTICE OF PLAN APPROVAL: B13023272, dated July 29, 2013 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 permit was issued incompletely because the information presented was not complete and did not address all the issues apparent to the Board. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke Nays: None Not Voting: Mr. Saab

Docket A-201-13.

RE: Appeal of Ojala Properties LLC, Owner of the Property, located on the premises known as 1616 West 25th Street from an ADJUDICATION ORDER: B13023214, dated July 29, 2013 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, that the Board finds that based upon the documents, evidence or testimony presented by the City that Ojala Properties LLC is not permitted to demolish the sign because the lease with Clear Channel states that they have a lease that extends beyond and was transfers to Ojala Properties LLC with the building: A motion is in order at this time to find that the Adjudication Order was properly issued and the appeal is DENIED. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. a Gallagher.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke Nays: None Not Voting: Mr. Saab

* * *

Docket A-202-13.

RE: Appeal of MK Fleet Properties, LLC. Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Masonry Property located on the premises known as 5225 Fleet Avenue from a NOTICE OF VIOLATION — INTERIOR/ EXTERIOR MAINTENANCE, dated July 8, 2013 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-202-13 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-203-13.

RE: Appeal of Mary D. Hopkins, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame and One Story Garage - Detached Property, located on the premises known as 3526 East 103rd Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated August 2, 2013 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 two (2) weeks in which to submit a plan of rehabilitation to the Building Department and six (6) months in which to complete abatement of the violations, failure to meet either date will result in an immediate REMANDING of the property to the Building Department; 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, Gallagher, Saab, Bradley, Maschke Nays: None

Docket A-255-13.

RE: Appeal of Wilson Luu/Foundation of Truth Ministry, Owner of the Property, located on the premises known as 4174-76 West 130th Street from a NOTICE OF VIOLATION — FIRE CODE, dated October 8, 2013 of the Chief of the Division of Fire, 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 apply for removal of the system with the Fire Prevention Bureau and to remove the system or to reactivate it, noting that it is not required by the Code under the present circumstances. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

EXTENSION OF TIME:

Docket A-299-12 — Shelonaresa Thomas — 12601 Revere Avenue:

A motion is in order at this time to grant the Appellant an additional six (6) months in which to complete abatement of the violations, noting that the work scope has expanded at the Appellant's request; 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. Gallagher.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Maschke 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-117-13 — Taliah Campbell
- A-145-13 — Jitendra Kapasi
- A-151-13 — David Martin
- A-152-13 — David Martin
- A-153-13 — David Martin
- A-155-13 — David Martin
- A-156-13 — 3110 Payne Co., LLC
- A-162-13 — Nicolae Manu
- A-167-13 — Cleola Vester
- A-171-13 — Marquis Properties, LLC
- A-175-13 — Reth Houn
- A-176-13 — George & Kathleen Lockyer
- A-178-13 — Iglesia Cristiana Dios Es La Paz
- A-182-13 — Rite Management Corp.
- A-187-13 — The K&D Group
- A-195-13 — Antone Peck

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

* * *

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):

September 25, 2013

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

* * *

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, OCTOBER 30, 2013

File No. 169-13 — Treadway Creek Trail Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 607-10, passed by the Council of the City of Cleveland, June 7, 2010.

*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, OCTOBER 17, 2013 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 517A, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

A **Site Visit is Scheduled for 1:00 p.m. on Thursday, October 17, 2013.**

*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

October 9, 2013 and October 16, 2013

THURSDAY, OCTOBER 31, 2013

File No. 172-13 — Purchase the Necessary Items of Federal Aviation Administration Approved Deicing Chemicals for the Various Divisions of the Department of Port Control, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 750-13, passed by the Council of the City of Cleveland, August 14, 2013.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, OCTOBER 18, 2013 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

October 9, 2013 and October 16, 2013

FRIDAY, NOVEMBER 1, 2013

File No. 171-13 — Remanufactured Transmissions and Repairs, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, OCTOBER 18, 2013 AT 10:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

October 9, 2013 and October 16, 2013

WEDNESDAY, NOVEMBER 6, 2013

File No. 170-13 — Rehabilitating and Repairing Sewer Connections Various Locations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.292 of the Codified Ordinances of Cleveland, Ohio, 1976.

*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING TUESDAY, OCTOBER 22, 2013 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

October 9, 2013 and October 16, 2013

FRIDAY, NOVEMBER 8, 2013

File No. 168-13 — Fluorosilicic Acid, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, OCTOBER 17, 2013 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 2ND FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 9, 2013 and October 16, 2013

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1381-13.

By Council Members Conwell and J. Johnson.

An emergency resolution opposing that portion of House Bill 203 which is the State of Ohio's version of the "stand your ground" law.

Whereas, H.B. 203, introduced in the Ohio House of Representatives on June 11, 2013, proposes amendments to Ohio's carrying concealed weapons law by expanding the circumstances under which a person has no duty to retreat before using lethal force in self-defense; and

Whereas, Ohio law currently contains what is known as the "castle doctrine", which states that an individual does not have a duty to retreat from his or her home or vehicle; and

Whereas, H.B. 203 would make it legal to fight back using deadly force rather than encouraging citizens to retreat from potentially confrontational situations; and

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

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

Section 1. That this Council opposes that portion of House Bill 203 which is the State of Ohio's version of the "stand your ground" law.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to all members of the Ohio legislature.

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

Adopted October 7, 2013.
Effective October 8, 2013.

Res. No. 1388-13.
By Council Members Cimperman, Zone and Brancatelli.
An emergency resolution recognizing National Messenger Appreciation Day in Cleveland on October 9, 2013.

Whereas, a solution to the problems of pollution, congestion and gridlock faced by large urban centers is needed to reduce carbon dioxide emissions in the downtown core; and

Whereas, bicycles take up less space on the road and do less damage to the roads than cars, resulting in better conditions and streets for all road users; and

Whereas, Cleveland is recognized as a bronze level bicycle friendly community and has a growing number of bicycle focused businesses; and

Whereas, Bike Cleveland launched the Ride Together campaign, a public awareness campaign to educate the public on the rights of bicycles on public roadways, to make our street safer; and

Whereas, bicycle messengers are ambassadors of goodwill for the city; and

Whereas, bicycle messengers promote the bicycle as a viable form of transportation and economic development; and

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

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

Section 1. That this Council recognizes National Messenger Appreciation Day in Cleveland on October 9, 2013.

Section 2. That the Clerk of Council is directed to transmit a copy of this resolution to Jacob VanSickle, Executive Director, Bike Cleveland.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted October 7, 2013.
Effective October 8, 2013.

Res. No. 1389-13.
By Council Member Pruitt.
An emergency resolution withdrawing objection to a New C1 Liquor Permit at 4213 East 131st Street and repealing Resolution No. 1740-12, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 4213 East 131st Street by Resolution No. 1740-12 adopted by the Council on December 3, 2012; 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 Jermel Griffin, DBA The Block Food and Beverages, LLC, 4213 East 131st Street, Cleveland, Ohio 44105, Permanent Number 3380146, be and the same is hereby withdrawn and Resolution No. 1740-12, 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.

Adopted October 7, 2013.
Effective October 8, 2013.

Ord. No. 1222-13.
By Council Member Cimperman.
An emergency ordinance to amend Section 699A.011 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 351-13, passed March 18, 2013 relating to Community Entertainment Districts defined.

Whereas, Playhouse Square Foundation has submitted an application dated August 15, 2013, to the Mayor's Office requesting an expansion of the Playhouse Square Community Entertainment District established by Ordinance No. 45-05, passed February 7, 2005; and

Whereas, the application is accompanied by a map identifying the boundaries of the proposed expanded Playhouse Square Community Entertainment District; and

Whereas, the City Planning Commission has determined that the proposed expanded District meets the criteria for designation contained in Chapter 699A of the Codified Ordinances of the City of Cleveland, Ohio, 1976; and

Whereas, by submitting this ordinance for introduction to City Council, the Mayor is recommending within the required 30 days, the acceptance of the application for the expansion of the Playhouse Square Community Entertainment District; and

Whereas, a copy of the application is placed in File No. 1222-13-A; and

Whereas, existing Section 699A.011 should be amended to reflect both the establishment and expansion of the Playhouse Square Community Entertainment District; 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 based upon the information and data contained in File No. 1222-13-A, this Council approves the application of Playhouse Square Foundation dated August 15, 2013 to expand the Playhouse Square Community Entertainment District.

Section 2. That Section 699A.011 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.351-13, passed March 18, 2013 is hereby amended to read as follows:

Section 699A.011 Districts Defined
Community Entertainments Districts are limited to the following defined areas of the City of Cleveland and meet all the requirements of Section 699A.01 of this chapter:

(a) *Playhouse Square District.* An area more fully described in Ordinance File No. 1222-13-A.

(b) *Waterloo District.* An area centered on Waterloo Avenue, east of East 156th Street, more fully described in Ordinance File No. 759-12-A.

(c) *Cleveland Hopkins International Airport, Cleveland Airport System, 5300 Riverside Drive, Cleveland, Ohio 44181-0009, particularly the Main Terminal and Concourses A, B, C, and D.*

(d) *Uptown District.* An area centered on the intersection of Euclid Avenue and Mayfield Road, containing approximately 98 acres, more fully described in Ordinance File No. 759-12-A.

(1) There is established an Uptown Community Entertainment District Committee (the "UCED Committee"), whose primary purpose and function is to review each applicant for one of the D-5(j) liquor permits authorized by the establishment of the Uptown Community Entertainment District in meetings that are open to the public and make recommendations to the City Council. The UCED Committee shall also serve to make recommendations to the City Council with regard to applications for the issuance, transfer, or renewal of any liquor permit in the District.

(2) The UCED Committee shall be composed of four (4) members: AJAPPJR Uptown LLC, University Circle Incorporated, Case Western Reserve University, and the UCED Community Representative. AJAPPJR Uptown LLC, University Circle Incorporated, and Case Western Reserve University shall each appoint a single member to the UCED Committee. The UCED Community Representative shall be appointed by the Committee from

nominations made by the City Council members representing wards that are located in whole or in part within the boundaries of the District.

(3) Three (3) of the four (4) members of the UCED Committee shall constitute a quorum to transact business and to issue any recommendation or advisory opinion.

(4) The UCED Committee may promulgate its own internal rules of procedure and review.

(e) *Flats East Bank District*. An area designated by the permanent parcel numbers that are set forth and more fully described in Ordinance File No. 759-12-A.

Section 3. That existing Section 699A.011 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 351-13, passed March 18, 2013 is hereby repealed.

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

Passed October 7, 2013.

Effective October 8, 2013.

Ord. No. 1224-13.

By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more concession agreements for the operation of a first-class food and beverage service at the Carl B. Stokes Facility, for a period of one year, with two one-year options to renew, the second of which requires additional legislative authority.

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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Utilities is authorized to enter into one or more concession agreements on the basis of competitive proposals, for the operation of a first-class food and beverage service at the Carl B. Stokes Facility located at 1201 Lakeside Avenue, for a period not to exceed one year, with two one-year options to renew. The first of the one-year options to renew may be exercised by the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. The selection of the concessionaire shall be made by the Board of Control on the nomination of the Director of Public Utilities.

Section 2. That the concession agreements authorized shall 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.

Passed October 7, 2013.

Effective October 8, 2013.

Ord. No. 1235-13.

By Council Members Conwell, Kelley and Reed (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Bureau of Justice Assistance for the FY 13 Byrne Criminal Justice Innovation Program; and authorizing the Director to enter into one or more contracts with the Partnership for a Safer Cleveland and Case Western Reserve University 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 Public Safety is authorized to apply for and accept a grant in the approximate amount of \$1,000,000, and any other funds that may become available during the grant term from the United States Department of Justice, Bureau of Justice Assistance to conduct the FY 13 Byrne Criminal Justice Innovation Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant application package for the grant contained in the file described below.

Section 2. That the grant application package for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1235-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things 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 Public Safety is authorized to enter into one or more contracts with or make payments to the Partnership for a Safer Cleveland and Case Western Reserve University to implement the grant as described in the file.

Section 6. That the Director of Public Safety shall provide an evidence-based status report every six months to the Public Safety Committee.

Section 7. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 7, 2013.

Effective October 8, 2013.

Ord. No. 1236-13.

By Council Members Conwell and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 13 State Byrne Memorial Justice Assistance Grant for the operation of the Northern Ohio Law Enforcement Task Force (NOLETF); and authorizing the Director to enter into agreements with various municipalities or governmental agencies needed 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 Public Safety is authorized to apply for and accept a grant in the approximate amount of \$150,000.00, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 13 State Byrne Memorial Justice Assistance Grant for the Northern Ohio Law Enforcement Task Force (NOLETF) Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1236-13-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$50,000.00 from Fund No. 10 SF 025, are approved in all respects, and shall not be changed without additional legislative authority. (RQS 6001, RL 2013-144)

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to enter into any agreements with various municipalities or governmental agencies necessary to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and

may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

Section 6. That the Director of Public Safety shall provide an evidence-based status report every six months to the Public Safety Committee.

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.

Passed October 7, 2013.

Effective October 8, 2013.

Ord. No. 1238-13.

By Council Members Conwell and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 13 State Byrne Memorial Justice Assistance Grant (JAG) for the Northern Ohio Violent Crime Consortium (NOVCC) Program; and authorizing the Director to enter into one or more contracts with Kent State University and various municipalities 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 Public Safety is authorized to apply for and accept a grant in the approximate amount of \$200,681, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 13 State Byrne Memorial Justice Assistance Grant (JAG) for the Northern Ohio Violent Crime Consortium (NOVCC) Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1238-13-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$66,894 from Fund No. 10 SF 025, is approved in all respects, and shall not be changed without additional legislative authority. (RQS 6001, RL 2013-143)

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Kent State University and various municipalities to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement,

under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the Director of Public Safety shall provide an evidence-based status report every six months to the Public Safety Committee.

Section 7. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds the cash match, accepted under this ordinance.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 7, 2013.

Effective October 8, 2013.

Ord. No. 1239-13.

By Council Members Conwell and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Cuyahoga County for the FY 2013 Violence Against Women Act (VAWA) grant for the Cleveland Domestic Violence Program; and authorizing the Director to enter into one or more contracts with Cuyahoga County 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 Public Safety is authorized to apply for and accept a grant in the amount of \$108,202.84 and any other funds that may become available during the grant term from Cuyahoga County to conduct the FY 2013 Violence Against Women Act (VAWA) grant for the Cleveland Domestic Violence Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the detailed budget application for the grant contained in the file described below.

Section 2. That the detailed budget application for the grant, File No. 1239-13-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 \$36,067.61 from Fund No. 10 SF 025, is approved in all respects and shall not be changed without additional legislative authority. (RQS 6001, RL 2013-142)

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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.

Passed October 7, 2013.

Effective October 8, 2013.

Ord. No. 1240-13.

By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Windstream Lines for telecommunication service lines needed for Automated Meter Reading (AMR), SCADA control, security cameras, and telephones at Ledge Tower, Darrow Tower, Shepard Tower and the South Twinsburg Tower located in Twinsburg, Northfield, and Macedonia, Ohio, which are outside of Cuyahoga County and beyond the AT&T service area; and to authorize payment of monthly charges to Windstream, for a period up to three years.

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 Public Utilities is authorized to enter into one or more contracts with Windstream Lines ("Windstream") for telecommunication service lines needed for Automated Meter Reading (AMR), SCADA control, security cameras, and telephones at Ledge Tower, Darrow Tower, Shepard Tower and the South Twinsburg Tower located in Twinsburg, Northfield, and Macedonia, Ohio, which are outside of Cuyahoga County and beyond the AT&T service area, for a period up to three years, on the basis of Windstream's proposal dated July 16, 2013. The agreement will include the City's obligation to pay monthly charges.

Section 2. That the Agreement shall be prepared by the Director of Law.

Section 3. That the costs of the contract or contracts and applicable subscription and service fees authorized by this ordinance shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2013-125.

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

Passed October 7, 2013.
Effective October 8, 2013.

Ord. No. 1241-13.
By Council Members Cimperman, Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with 1717 East 9th LLC, or its designee, to provide for improvements; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

Whereas, the subject Real Property is found, declared, and deemed to be a "Blighted Parcel" as defined in, and under Revised Code Section 1.08(B)(2) on the basis of specific conditions set forth in items (a)(b)(d)(g) and (h) thereof, particularly being a multi-story property vacant for more than five (5) years and, as a consequence thereof, said Real Property is found, declared, and deemed to be a "Blighted Area", as defined in and under Revised Code Section 1.08(A) of the Revised Code, as demonstrated and documented by a certain study of the Nine Twelve District and attached and incorporated with the file for this ordinance; and

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, under the authority of Ordinance No. 368-13, passed March 25, 2013, and prior to the adoption of this ordinance, the City approved both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

Whereas, the Real Property will be improved according to the Blight Study and Redevelopment Plan, the Legislative Summary, and the Sources and Uses of Funds for Project document which are placed in File Nos. 1241-13-A and 1241-13-B.

Whereas, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.41 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleve-

land City School District ("District") in an amount equal to the amount the District would have received had the improvement not been exempt; and

Whereas, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised 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 improvements to be constructed by 1717 East 9th LLC or its designee ("Redeveloper"), as more fully described in the above-mentioned file ("Improvements") on the Real Property, which Real Property is declared to be a Blighted Area as required by Revised Code Section 5709.41(B), are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of thirty years; and that in no event shall the exemption period extend beyond 2043.

Section 3. That, under Section 5709.41 of the Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of thirty years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in Section 3 of this ordinance, which agreement or agreements shall contain those terms contained in the file mentioned above.

Section 6. That under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment Tax Increment Equivalent Fund into which shall be deposited service Payments in Lieu of Taxes ("PILOTS") which shall be used for the purpose of funding project debt or for other economic development purposes as determined by the Director of Economic Development.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the mem-

bers elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 7, 2013.
Effective October 8, 2013.

Ord. No. 1242-13.
By Council Members Cimperman, Brancatelli and Kelley (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 871-13, passed July 10, 2013; to supplement the ordinance by adding new Section 6; and to renumber existing Sections 6 and 7 to new "Section 7" and "Section 8", relating to authorizing a Tax Increment Financing Agreement with Geis Companies, or its designee, to provide for the redevelopment of the Ameritrust complex.

Whereas, the subject Real Property is found, declared, and deemed to be a "Blighted Parcel" as defined in, and under Section 1.08(B)(2) of the Revised Code on the basis of specific conditions set forth in items (a)(b)(d)(g) and (h) thereof, particularly being a multi-story property vacant for more than five (5) years and, as a consequence thereof, said Real Property is found, declared, and deemed to be a "Blighted Area", as defined in and under Section 1.08(A) of the Revised Code and as demonstrated and documented by a certain study of the Nine Twelve District which has been placed in the file for this ordinance, and attached and incorporated with the Redevelopment Plan for the Nine Twelve District; and

Whereas, the Real Property will be improved according to the Blight Study and Redevelopment Plan contained in File No. 871-13-A, a copy of which is placed in File No. 1242-13-A, and according to the Legislative Summary, the Sources and Uses of Funds for Project document, and the LEED for Homes Mid-rise Pilot Simplified Project Checklist copies of which are placed in File Nos. 1241-13-A and 1241-13-B; 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 Section 1 of Ordinance No. 871-13, passed July 10, 2013, is amended to read as follows:

Section 1. That the improvements to be constructed by Geis Companies, or its designee ("Redeveloper"), as more fully described in the above-mentioned file ("Improvements") on the Real Property, which Real Property is declared to be a Blighted Area as required by Section 5709.41(B) of the Revised Code, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

Section 2. That Ordinance No. 871-13, passed July 10, 2013 is supplemented by adding new Section 6 to read as follows:

Section 6. That under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment Tax Increment Equivalent Fund into which shall be deposited service Payments in Lieu of Taxes ("PILOTS")

which shall be used for the purpose of funding project debt or for other economic development purposes as determined by the Director of Economic Development.

Section 3. That Sections 6 and 7 of Ordinance No. 871-13, passed July 10, 2013 are renumbered to new "Section 7" and "Section 8".

Section 4. That existing Section 1 of Ordinance No. 871-13, passed July 10, 2013, 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.

Passed October 7, 2013.

Effective October 8, 2013.

Ord. No. 1293-13.
By Council Members J. Johnson, Miller, Cleveland and Kelley (by departmental request).

An emergency ordinance to vacate a portion of Brownell Court, S.E.

Whereas, under Resolution No. 808-13, adopted July 10, 2013, this Council declared its intention to vacate a portion of Brownell Court, S.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on September 10, 2013, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio;

Being all that portion of Brownell Court S.E. (20.00 feet wide) extending Easterly from the East right of way of East 21st Street (width varies) to that portion of Brownell Court S.E. (20.00 feet wide) vacated by the Council of the City of Cleveland by ordinance number 1365-69 passed June 30, 1969.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power (CPP), Dominion East Ohio Gas Company, the Illuminating Company (CEI), and the Division of Water.

That no structures shall be erected on the premises described in this ease-

ment except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power (CPP), Dominion East Ohio Gas Company, the Illuminating Company (CEI), and the Division of Water, and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

Passed October 7, 2013.

Effective October 8, 2013.

Ord. No. 1380-13.
By Council Member Cimperman.
An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to Hispanic Roundtable Community Programs to stretch a banner across Lorain Avenue at West 30th Street for the period from October 10, 2013 to October 25, 2013, inclusive, announcing the Convencion Hispana 2013.

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 the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to the Hispanic Roundtable Community Programs to install, maintain and remove a cross street banner on Lorain Avenue at West 30th Street, for the period from October 10, 2013 to October 25, 2013, inclusive. Said banner shall be approved by the Director of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed October 7, 2013.

Effective October 8, 2013.

Ord. No. 1386-13.

By Council Members Cimperman, Conwell, Cleveland and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to lease certain property located at 2025 Ontario Street from Euclid of Cleveland, LLC, or their designee, for the public purpose of operating the Family Justice Center, for a term of five years, with one option to renew for an additional five year period, exercisable by the Director of Public Safety; authorizing the Director to apply for and accept grants and gifts from any public or private entity for the operation of the Family Justice Center; and to enter into a Cooperation Agreement with Cuyahoga County.

Whereas, the City of Cleveland, Department of Public Safety, the Cleveland Municipal Court and Cuyahoga County Public Safety & Justice Services desire to cooperate in providing a Family Justice Center that will serve victims of domestic violence, sexual assault, child abuse, and elder abuse; and

Whereas, the model for the Family Justice Center is designed to address pitfalls commonly faced by victims, including an often fragmented assistance system and services offered at the Family Justice Center will bridge the gap by offering a more rational, collaborative, victim-centered service delivery approach with increased data and information sharing capabilities; and

Whereas, the City of Cleveland requires certain property located at 2025 Ontario Street for the public purpose of operating the Family Justice Center; and

Whereas, Euclid of Cleveland, LLC, or their designee, has proposed to lease the space to the City of Cleveland; and

Whereas, Cuyahoga County will share in the cost of operating the Family Justice Center; 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, the Director of Public Safety is authorized to lease from Euclid of Cleveland, LLC, or their designee, certain property more fully described as 2025 Ontario Street, Cleveland, Ohio.

Section 2. That the term of the lease authorized by this ordinance shall not exceed five years, with one option to renew for an additional five year period, exercisable by the Director of Public Safety.

Section 3. That the rent for the lease authorized by this ordinance shall be an annual rental of no more than \$170,200, plus the security deposit and allocable utility, operating, and maintenance costs, and shall be subject to annual appropriation; the annual rental for the option term shall not increase by more than 3% of the initial rental amount.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties to be consistent with the public purpose or pur-

poses of operating the Family Justice Center.

Section 5. That the Director of Public Safety is authorized to enter into a cooperative agreement or agreements with Cuyahoga County for the purpose of operating the Family Justice Center and to accept payment from the County for its share of the costs of the cooperative agreement, which payment shall be appropriated for that purpose if made in advance.

Section 6. That the Director is authorized to enter into agreements with other entities for purposes related to the operation of the Family Justice Center, and is authorized to accept funds related to operation, which funds shall be appropriated for that purpose.

Section 7. That the Director of Public Safety is authorized to apply for and accept grants and gifts from public and private entities for the operation of the Family Justice Center. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance and, upon acceptance of the funds by the Director, they shall be appropriated for the purposes of this ordinance.

Section 8. That the costs of the lease shall be paid from Fund No. 01-6001-6360, Request No. RQS 6001, RL 2013-153.

Section 9. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 10. That the Director of Public Safety, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary

or appropriate to effect the lease authorized by this ordinance.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 7, 2013.
Effective October 8, 2013.

Ord. No. 1387-13.
By Council Member Reed.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Fairfax Renaissance Development Corporation for the Neighborhood Technology Center Program through the use of Ward 2 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement with Fairfax Renaissance Development Corporation for the Neighborhood Technology Center Program for the public purpose of providing computer training to the residents of Cleveland through the use of Ward 2 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to

exceed \$13,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed October 7, 2013.
Effective October 8, 2013.

COUNCIL COMMITTEE MEETINGS

Monday October 14, 2013
2:00 p.m.

Finance Committee: Present: Kelley, Chair; Sweeney, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Mitchell, Pruitt, Westbrook.
Authorized Absence: Miller, Zone.

Wednesday, October 16, 2013
10:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Mitchell, Miller, Zone.

1:30 p.m.

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

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