

# The City Record

Official Publication of the Council of the City of Cleveland



July the Twenty-Fifth, Two Thousand and Twelve

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840  
First Assistant Clerk – Sandra Franklin

### MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff  
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development  
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary  
Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability  
Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

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

#### DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

#### DIVISIONS:

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

**DEPT. OF PUBLIC UTILITIES** – Barry A. Withers, Director, 1201 Lakeside Avenue

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### OFFICES:

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street  
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive  
Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue  
Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

**DEPT. OF COMMUNITY DEVELOPMENT** – Daryl Rush, Director

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

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

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

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

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

**CIVIL SERVICE COMMISSION** – Room 119, Robert Bennett, President; Michael L.

Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael Flickinger.

**SINKING FUND COMMISSION** – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec'y.; Sharon Dumas, Director.

**BOARD OF ZONING APPEALS** – Room 516, Carol A. Johnson, Chairman; Members: Mary Haas McGraw, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

### Judge Courtroom

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 99

WEDNESDAY, JULY 25, 2012

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## CITY COUNCIL

MONDAY, JULY 23, 2012

The City Record  
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Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

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

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

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

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

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

**Sustainability Sub-Committee:** Zone, Chair; Westbrook, Vice Chair; Cummins, J. Johnson, Mitchell.

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

July 18, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, July 18, 2012 at 10:38 a.m. with Interim Director Langhenry presiding.

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

Absent: Mayor Jackson, Directors Butler and Nichols.

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

Jim Hardy, Commissioner, Purchases & Supplies.

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

#### Resolution No. 342-12.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of June, 2012 in the amount of \$18,833.19, attached and made a part of this resolution is received, approved and ordered filed.

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

#### Resolution No. 343-12.

By Director Dumas.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on May 16, 2012, for the purchase of an estimated quantity of landscaping materials and supplies for the various divisions of City government, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

#### Resolution No. 344-12.

By Director Withers.

Whereas, Board of Control Resolution No. 191-12, adopted May 9, 2012, authorized the Director of Public Utilities to enter into contract with RA Strauss Electric Supply Co., for an estimated quantity of wire, cable, and accessories, for Group C, all items, Group D, all items, Group E, all items, Group H, all items, and Group N, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, on June 8, 2012, RA Strauss Electric Supply Co. informed the City of a ten-fold error in the unit price stated for one item within Group D, and that it could not provide this item at the price bid without a significant loss; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 191-12, adopted by this Board on May 9, 2012, approving the bid of RA Strauss Electric Supply Co. as the lowest and best for an estimated quantity of wire, cable, and accessories is amended by deleting "Group D, all items," from the list of Groups rec-

ommended for contract, where appearing in the resolution.

Be it further resolved that Resolution No. 191-12 is further amended by decreasing the contract amount from \$448,672.00 to \$347,092.00.

Be it further resolved that all other terms of Resolution No. 191-12 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 345-12.**

By Director Withers.

Whereas, under the authority of Ordinance No. 1260-06, passed by the Council of the City of Cleveland on November 20, 2006, as amended by Ordinance No. 757-09, passed July 1, 2009, and Ordinance No. 1661-09, passed December 7, 2009, and Board of Control Resolution No. 178-10, adopted May 12, 2010, the City of Cleveland, through the Director of Public Utilities, entered into City Contract No. PS2010\*254 with Cuyahoga Community College as the firm to be employed by contract to provide Professional Services for a comprehensive program of providing general, remedial, developmental and technical training for the staff, as well as other related services in the amount of \$1,000,000.00, and further approved the employment of APB & Associates, Inc. as a subcontractor, for the various Divisions of the Department of Public Utilities; and

Whereas, by its July 2, 2012 letter, Cuyahoga Community College informed the City that it will add several subcontractors and that it will no longer utilize APB & Associates, Inc. as they breached provisions contained in their subcontracting agreement; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 178-10, adopted by this Board May 12, 2010, under authority of Ordinance No. 1260-06, passed by the Council of the City of Cleveland on November 20, 2006, as amended by Ordinance No. 757-09, passed July 1, 2009, and Ordinance No. 1661-09, passed December 7, 2009, approving Cuyahoga Community College as the firm to be employed by contract to provide Professional Services for a comprehensive program of providing general, remedial, developmental and technical training for the staff, as well as other related services, for the various Divisions of the Department of Public Utilities, is amended by deleting the approval of APB & Associates, Inc. as a subcontractor.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractors by Cuyahoga Community College for the above-mentioned professional services is approved:

<u>SUBCONTRACTORS</u>	<u>WORK PERCENTAGE</u>
New Horizons Computer Learning Center	\$ 10,500.00 1.050%
Training Services International	\$ 1,153.00 0.115%

Cleveland State University	\$1,175.00 0.118%
Radcom	\$300,000.00 30.000%
John Carroll University	\$ 955.00 0.096%
Magnet, Inc.	\$ 11,000.00 1.100%
Motorola	\$ 3,375.00 0.338%

Be it further resolved that all other provisions of Resolution No. 178-10 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 346-12.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Charter Section 112 and Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976 ("C.O."), Resolution No. 140-95, adopted February 27, 1995, as amended by Resolution No. 152-95, adopted March 1, 1995, Resolution No. 79-00, adopted February 16, 2000, Resolution No. 669-05, adopted November 30, 2005, Resolution No. 308-08, adopted July 2, 2008, Resolution No. 546-10, adopted December 22, 2010, Resolution No. 580-11, adopted December 7, 2011, and Resolution No. 254-12, adopted June 13, 2012 fixing rates, rules, and regulations relating to the operation of the Division of Cleveland Public Power ("Division"), Department of Public Utilities, for electric service, is amended by deleting that portion identified as "Energy Adjustment Charge," and adding a new section entitled "Energy Adjustment Charge" which fixes certain rates, rules, and regulations relating to electric service, subject to the approval of the Council of the City of Cleveland, as follows:

**"Energy Adjustment Charge"**

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 C.O. and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated under divisions (c)(1) and (2) of this section.

(c)(1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers by the total kilowatt hours distributed to residential customers. The incremental charge calculated herein shall be adjusted by subtracting 15 mills per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and 9.75 mills per kilowatt hour for all other residential customers.

(2) Except as provided in Section 523.048 C.O., the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power and kilowatt hours from a specific source or sources purchased by the Division for distribution to ratepayers under Sections 523.048 and 523.049 C.O. The incremental charge calculated herein shall be adjusted by subtracting 3.0 mills per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the excess fuel and power charge during such month as herein provided.

Be it further resolved that all other provisions of Resolution No. 140-95, adopted February 27, 1995, as amended by Resolution No. 152-95, adopted March 1, 1995, Resolution No. 79-00, adopted February 16, 2000, Resolution No. 669-05, adopted November 30, 2005, Resolution No. 308-08, adopted July 2, 2008, Resolution No. 546-10, adopted December 22, 2010, Resolution No. 580-11, adopted December 7, 2011, and Resolution No. 254-12, adopted June 13, 2012 not expressly amended by this resolution shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 347-12.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The Cleveland Marble Mosaic Company for the public improvement of 1201 Lakeside Avenue Marble Emergency Repairs, including a \$16,729.00 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on May 11, 2012, under the authority of Ordinance No. 2081-06, passed March 5, 2007, upon a unit basis for the improvement in the aggregate amount of \$184,019.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a 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 sub-contractors by The Cleveland Marble Mosaic Company for the above-mentioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>WORK PERCENTAGE</u>
Commercial Tile & Stone, Inc. (CSB/FBE)	\$27,603.00 15.000%
AKA Construction Management Team, Inc. (CSB/MBE/FBE)	\$27,603.00 15.000%

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 348-12.**

By Director Smith.  
 Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 73-12, passed by the Council of the City of Cleveland on April 9, 2012, the firm of MCPc, Inc. ("Consultant") is selected upon 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 design, develop and implement a converged communications system, including but not limited to, installation, integration, migration, testing, training and providing maintenance, technical support and other related services, acquisition of equipment, hardware, software and software licenses, and/or development necessary to update, upgrade, enhance, interface and integrate various information technology systems ("Services"), for a period of one year, with one one-year option to renew, for the Department of Port Control; and

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with MCPc, Inc. for the above-mentioned Services, based upon its proposal dated April 23, 2012, which contract shall be prepared by the Director of Law, shall provide that the compensation to MCPc, Inc. for the Services authorized shall not exceed \$8,412,000.00 and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subconsultants by MCPc, Inc. is approved:

<u>Subcontractor</u>	<u>DBE%</u>	<u>Amount</u>
North Electric, Inc.	24.0% DBE	\$2,013,289.50
Avvenire Solutions, Inc.	0.17% Non DBE	\$ 14,960.00
I P Vision, Inc.	0.46% Non-DBE	\$ 38,921.00
SoundCom Systems Corporation	11.88% Non DBE	\$1,000,000.00
The Frame Group, Ltd.	4.75% Non DBE	\$ 400,000.00

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Flask, Rush, Southerington, Fumich and Rybka.  
 Nays: None.  
 Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 349-12.**

By Director Withers.  
 Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 746-12, passed by the

Council of the City of Cleveland on June 4, 2012, the firm of Michael Baker Jr., 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 design the public improvement of rehabilitating the South Cargo Ramp and reconstruction of Taxiway N at Cleveland Hopkins International Airport, 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 Michael Baker Jr., Inc. for the above-mentioned services, based upon its proposal dated June 14, 2012, which contract shall be prepared by the Director of Law, shall provide that the compensation to Michael Baker Jr., Inc. for the services authorized shall not exceed \$1,336,618.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Michael Baker Jr., Inc. is approved:

<u>Subconsultant</u>	<u>Percentage</u>	<u>Amount</u>
G & T Associates, Inc.	17.0%-DBE	\$231,000.00
McGuiness Unlimited, Inc.	3.0%-DBE	\$ 40,000.00
Solar Testing Laboratories, Inc.	13.73%-Non-DBE	\$183,618.00
TranSystems Corporation of Ohio, Inc.	10.10% Non-DBE	\$135,000.00
KS Associates, Inc.	7.18%-Non-DBE	\$ 96,000.00
Stadelman Associates, Inc.	4.11%-Non-DBE	\$ 55,000.00

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Flask, Rush, Southerington, Fumich and Rybka.  
 Nays: None.  
 Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 350-12.**

By Director Smith.  
 Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 815-12, passed by the Council of the City of Cleveland on June 4, 2012, the firm of Michael Baker Jr., 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 general planning, engineering and design services, for the various divisions of the Department of Port Control, for a period of one year, with three one-year options to renew.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Michael Baker Jr., Inc. for the above-mentioned services, based upon its proposal dated June 21, 2012, which contract shall be prepared by the Director of Law, shall provide that the compensation to Michael Baker Jr., Inc. for the services authorized shall not exceed \$350,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Michael Baker Jr., Inc. is approved:

<u>Subconsultant</u>	<u>Percentage</u>	<u>Amount</u>
Airport Design Consultants, Inc.	8.0%-DBE	\$ 28,000.00
G & T Associates, Inc.	5.0%-DBE	\$ 17,500.00
Van Auken Akins Architects, LLC	8.0%-DBE	\$ 28,000.00
Gresham Smith Partners	5.0%-Non-DBE	\$ 17,500.00
KS Associates, Inc.	2.0%-Non-DBE	\$ 7,000.00
Stadelman Associates, Inc.	3.0%-Non-DBE	\$ 10,500.00
Solar Testing Laboratories, Inc.	2.0%-Non-DBE	\$ 7,000.00
Karpinski Engineering, Inc.	3.0%-Non-DBE	\$ 10,500.00
Robert and Company	6.2%-Non-DBE	\$ 21,746.00

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Flask, Rush, Southerington, Fumich and Rybka.  
 Nays: None.  
 Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 351-12.**

By Director Smith.  
 Be it resolved by the Board of Control of the City of Cleveland, under the authority of Ordinance No. 815-12, passed by the Council of the City of Cleveland on June 4, 2012, the firm of R. W. Armstrong & 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 general planning, engineering and design services, for the various divisions of the Department of Port Control, for a period of one year, with three one-year options to renew.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with R. W. Armstrong & Associates, Inc. for the above-mentioned services, based upon its proposal dated June 14, 2012, which contract shall be prepared by the Director of Law, shall provide that the compensation to R. W. Armstrong & Associates, Inc. for the services authorized shall not exceed \$500,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by R. W. Armstrong & Associates, Inc. is approved:

<u>Subconsultant</u>	<u>Percentage Amount</u>
Van Auken Akins Architects, LLC	3.0% -DBE \$15,000.00
G & T Associates, Inc.	3.0% -DBE \$15,000.00
Somat Engineering, Inc.	3.0% -DBE \$15,000.00
McGuiness Unlimited, Inc.	3.0% -DBE \$15,000.00
H2L1 Engineering, Inc.	3.0% -DBE \$15,000.00
Jacobsen/Daniels Associates, LLC	2.0% -DBE \$10,000.00
Suhail & Suhail, Inc.	3.0% -DBE \$15,000.00
Solar Testing Laboratories, Inc.	3.0% -Non-DBE \$15,000.00

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Flask, Rush, Southerington, Fumich and Rybka.  
Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 352-12.**

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland, under the authority of Ordinance No. 815-12, passed by the Council of the City of Cleveland on June 4, 2012, the firm of TranSystems Corporation of Ohio, 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 general planning, engineering and design services, for the various divisions of the Department of Port Control, for

a period of one year, with three one-year options to renew.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with TranSystems Corporation of Ohio, Inc. for the above-mentioned services, based upon its proposal dated June 12, 2012, which contract shall be prepared by the Director of Law, shall provide that the compensation to TranSystems Corporation of Ohio, Inc. for the services authorized shall not exceed \$112,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by TranSystems Corporation of Ohio, Inc. is approved:

<u>Subconsultant</u>	<u>Percentage Amount</u>
G & T Associates, Inc.	20.0% -DBE \$22,400.00
RS & H Engineering, Inc.	13.40% -Non-DBE \$15,000.00
Solar Testing Laboratories, Inc.	4.46% -Non-DBE \$ 5,000.00
BNP Associates, Inc.	4.46% -Non-DBE \$ 5,000.00

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Flask, Rush, Southerington, Fumich and Rybka.  
Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 353-12.**

By Director Smith.

Whereas, under the authority of Ordinance No. Ordinance No. 777-07, passed by the Council of the City of Cleveland on June 4, 2007, and Board of Control Resolution No. 237-08 and Resolution No. 478-10, adopted May 21, 2008 and November 17, 2010, respectively, the City through its Director of Port Control, entered into City Contract No. 68194 with O. R. Colan Associates, LLC ("Consultant"), to provide professional services necessary to survey and appraise real and/or personal property, rights of way and/or easements and other interest in real property for the various divisions of the Department of Port Control; and

Whereas, the City has determined it necessary to revise the scope of work to include appraisal of the Office Development Site delineated in the Cleveland Downtown Lakefront Plan, adopted by the City Planning Commission on April 20, 2012; and

Whereas, the Consultant has proposed by its letter dated June 14, 2012 to perform the additional services necessary for an amount of \$30,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland the Director of Port Control is authorized to enter into a First Modification to City Contract No. 68194 between the City of Cleveland and O. R. Colan Associates, LLC for additional professional services neces-

sary to appraise the Office Development Site delineated in the Cleveland Downtown Lakefront Plan, adopted by the City Planning Commission on April 20, 2012. The amount to be paid for all services shall be increased by \$30,000.00 from \$80,000.00 to a total amount not to exceed \$110,000.00.

Be it further resolved that the amounts attributed to the following subconsultants approved in Board of Control Resolution No. 237-08, adopted May 21, 2008, are amended as follows:

<u>Subconsultant</u>	<u>CSB/MBE/FBE % Amount</u>
F & C Research, Inc.	19.77% -CSB/MBE \$21,750.00
C. P. Braman & Co., Inc.	6.59% -CSB/FBE \$ 7,250.00

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Flask, Rush, Southerington, Fumich and Rybka.  
Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 354-12.**

By Director Smith.

Whereas, under the authority of Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976 and Board of Control Resolution No. 211-12, adopted May 16, 2012, the City authorized the Director of the Department of Port Control to enter into agreements granting named concessionaires the privilege, permit and license to utilize the East 9th Street Pier for a farmers' market between June 7, 2012 and September 6, 2012; and

Whereas, Chutney Rolls, CJ's Italian Ice, Gyro Guys and Ophelia's Oils (collectively, "Concessionaires") desire to participate in the farmers' market; and

Whereas, the City is willing to grant Concessionaires the privilege, permit and license to participate in the farmers' market; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland Resolution No. 211-12, adopted May 16, 2012, is amended by adding Chutney Rolls, CJ's Italian Ice, Gyro Guys and Ophelia's Oils as Concessionaires in Resolution No. 211-12.

Be it further resolved that all other terms of Resolution No. 211-12 not expressly amended by this resolution shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 355-12.**

By Director Cox.

Whereas, Board of Control Resolution No. 272-12, adopted June 20, 2012, authorized the Director of Public Works to enter into contract with Safe Choice, LLC to provide security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas; and

Whereas, Resolution No. 272-12 incorrectly stated the not-to-exceed total fee amount for the security services of Safe Choice, LLC as \$550,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 272-12, adopted by this Board June 20, 2012, authorizing the Director of Public Works to enter into contract with Safe Choice LLC, based on its March 30, 2012 proposal, for security services for armed, uniformed, commissioned officers at the above mentioned recreation facilities during the period beginning September 1, 2012 and ending August 31, 2013, is amended by deleting the not-to-exceed fee amount stated and substituting \$600,000.00 where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 272-12 not expressly amended as stated above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 356-12.**

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Charlie's Towing Service, Inc., for an estimated quantity of various towing and winching services, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for a period of one year, beginning with the date of execution of a contract, with a one-year renewal option, received on May 24, 2012, under the authority of Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$94,216.25 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$5,000.00.

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

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 357-12.**

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of PESCO Pumps and Equipment, for an estimated quantity of new electric motors and pumps and/or labor and material, all items, for the Division of Property Management, Department of Public Works, for a one year period, begin-

ning with the date of execution of a contract, with two one-year renewal options, received on May 18, 2012, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, passed June 2, 2008, which on the basis of the estimated quantity would amount to \$100,000.00 (1% 15 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services.

The requirement contract shall further provide that the Contractor shall furnish all of the City's requirements for 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.

Be it further resolved that the employment of the following subcontractors by PESCO Pumps and Equipment for the above-mentioned purchase is approved:

<u>Subcontractor</u>	<u>Dollar Amount</u>	<u>Certified Percentage</u>
Redmond Waltz Electric (not certified)	\$20,000.00	0.0%
F.L. Distributors (not certified)	\$20,000.00	0.0%

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 358-12.**

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Envirocom Construction, Inc. for the public improvement of Michael J. Zone Recreation Center - New Concession Building, for the Base Bid Items A, B, C and D and Optional Items 4 and 7 for the Division of Architecture and Site Development, Department of Public Works, received on April 19, 2012, under the authority of Ordinance No. 607-10, passed on June 7, 2010, upon a gross price basis for the improvement in the aggregate amount of \$243,600.00, is affirmed and approved as the lowest responsible bid; and the Director of Department of Public Works 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 subcontractor by Envirocom Construction, Inc. for the aforementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Work Best Electric (CSB/FBE)	\$27,000.00	11.084%
S & D Roofing (other)	\$22,000.00	9.031%
Commence Plumbing (other)	\$21,440.00	8.801%

Tucker Grubbs Construction (CSB/MBE)	\$15,000.00	6.158%
Northern Interiors (other)	\$12,500.00	5.131%
Miles Mechanical, Inc. (CSB)	\$ 7,000.00	2.874%
Ballast Fence (CSB)	\$ 2,625.00	1.078%
Zavarella Brothers (other)	\$ 2,625.00	1.078%

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 359-12.**

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. J. Platten Contracting Co. (CSB), for the public improvement of 4th District Police Officer Memorial, for Base Bid Items 1-34 including the 5% contingency for the Division of Architecture and Site Development Department of Public Works, received on June 13, 2012, under the authority of Ordinance No. 1513-05, passed on October 17, 2005, upon a unit basis for the improvement in the aggregate amount of \$94,478.48, is affirmed and approved as the lowest responsible bid; and the Director of Department of Public Works 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 R. J. Platten Contracting Co. (CSB) for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Down to Earth Landscaping (CSB/FBE)	\$31,128.00	32.947%
Rockport Ready Mix (CSB/FBE)	\$ 4,000.00	4.234%
Friedel Trucking Co. (CSB/FBE)	\$ 3,000.00	3.175%

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 360-12.**

By Director Cox.

Resolved by the Board of Control of the City of Cleveland, that all bids received on June 29, 2012, for grinding of pavement, all items, for the Department of Public Works, Division of Street Maintenance, under the authority of Section 181.01 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 361-12.**

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Feghali Brothers, LLC for the public improvement of Department of Finance Interior Improvements, Base Bid, all items, plus Optional Item 2, for the Division of Architecture and Site Development, Department of Public Works, received on June 22, 2012, under the authority of Section 185.01 of the Codified Ordinances of Cleveland, Ohio, 1976, for a gross price for the improvement in the aggregate amount of \$25,000.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Works is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following sub-contractors by Feghali Brothers LLC for the above-mentioned public improvement is approved:

Work Best Electric  
CSB/FBE — \$4,800.00 — (19.200%)

Five Star Supply  
CSB — \$600.00 — (2.400%)

Mike's Painting  
\$1,300.00

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 362-12.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 138-04-039 located at 12903 Harvard Avenue 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, Sanctuary Baptist Church has proposed to the City to purchase and develop the parcel for parking; and

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified

Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of tile city of Cleveland, with Sanctuary Baptist Church for the sale and development of Permanent Parcel No. 138-04-039 located at 12903 Harvard Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$100.00, which amount is determined to be not less than the Fair Market value of the parcel for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

**Resolution No. 363-12.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 120-11-017 located at 1471 E. 120th Street in Ward 9; and

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

Whereas, Cleveland Green Homes III, LP has proposed to the City to purchase and develop the parcel for new single-family housing; and

Whereas, the following conditions exist;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Cleveland Green Homes III, LP for the sale and development of Permanent Parcel No. 120-11-017 located at 1471 E. 120th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is determined to be not less than the Fair Market value of the parcel for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson, Directors Butler and Nichols.

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, AUGUST 6, 2012**

**9:30 A.M.**

**Calendar No. 12-119:** 3300 Clinton Avenue (Ward 3)

Jason Bristol, owner, appeals to erect a two-story single family dwelling on a 66' x 124.04' lot in a B1 Two-Family District; and the proposed accessory off-street parking fails to meet the requirements under Section 349.05, that all such parking shall be located behind the setback building line and not within 10 feet of any wall of a residential building or structure that contains a ground floor opening designed to provide light or ventilation for such building or structure; and the driveway must be located so that there would not be less than 15 feet between the point of tangency of the driveway apron radius and the outside crosswalk line at the intersection when such driveway is on the approach side of an intersection according to the Cleveland Division of Traffic Engineering (Curb Cuts) Department of Public Works.

**Calendar No. 12-120:** 11525-29 Buckeye Road (Ward 6)

Cleveland Housing Network, owner, appeals to construct a four-story apartment building on a 240' x 187.90' corner parcel in a C1 Local Retail Business District; contrary to Section 355.04(b) a maximum gross



floor area of 40,290 square feet is proposed and 20,234 is allowed; and by the provisions under Section 349.04(a) one accessory off-street parking space is required per dwelling and 23 spaces are provided contrary to the requirement for 65; and subject to Sections 352.08 through 352.11, a landscape plan/schedule is required with a minimum 6 feet wide landscaping strip that provides fifty percent year-round opacity where the parking lot fronts on East 116th Street; and a building height of 40 feet is proposed contrary to Section 353.01(b) that limits the height to 35 feet; and a front yard of 25 feet is required where 10 feet is proposed contrary to Section 357.04 in the Cleveland Codified Ordinances.

**Calendar No. 11-190:** 4106 Pearl Road (Ward 13)

Mathile Saad, owner, appeals to establish a motor vehicle repair garage on a 184' x 120' corner lot in a Local Retail Business District and by the provisions in Section 359.01 requires Board of Zoning Appeals approval for a nonconforming substitution of use granted by this Board in Calendar No. 75-3 to convert a service station to installation of muffler and shock absorber systems only, with a requirement that a one and one-half foot high barrier would be erected at the street lines and no barrier was erected; and subject to the limitations in Section 343.01 a motor vehicle minor repair garage is not permitted and first permitted in a General Retail Business District in accordance with Cleveland Codified Ordinance 343.14. A landscaped frontage strip six (6) feet wide is required where the parking lot borders the street and a landscaping/transition strip ten (10) feet wide is required where the lot abuts a residence district according to Sections 352.08-11 in the Cleveland Codified Ordinances. (Motion for Reconsideration granted 6-18-12)

Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, JULY 23, 2012**

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

The following appeals were **APPROVED:**

**Calendar No. 12-110:** 7200 Brookpark Road

M&G Equities, owner, and HH Gregg appealed to erect wall signs on a Building in C1 General Retail Business and C3 Semi-Industry Districts.

**Calendar No. 12-114:** 4159 Lee Road

Golden Arch Realty Corporation appealed for an expansion of restaurant use to include a drive through lane in a C1 General Retail Business District; subject to conditions.

**Calendar No. 12-94:** 2490 West 5th Street

Opportunity Housing Cleveland, LLC appealed to erect a two-story

single family dwelling with a detached garage in a B1 Two-Family District.

The following appeals were **WITHDRAWN:**

**Taxi Driver's License**

**Calendar No. 12-113:** Ahmed Warsame

Ahmed Warsame appealed from a decision of the Commissioner of Assessments and Licenses to deny his application for a 2011-2012 Taxi Driver's License.

**Violation Notice**

**Calendar No. 12-97:** 7275 Wentworth Avenue

NDHMD, Inc. appealed from a Notice of Violation issued by the Department of Building and Housing.

The following appeal was **DISMISSED:**

**Calendar No. 12-94-1:** 4118 Lorain Avenue

Mig Company Ltd. appealed to establish use for piercing and tattooing in a D3 Local Retail Business District.

The following appeals were **POSTPONED:**

None.

The following appeals heard by the Board on July 16, 2012 were adopted and approved on July 23, 2012.

The following appeals were **APPROVED:**

**Calendar No. 12-108:** 1100 East 63rd Street

St. Martin DePorres High School appealed for use of premises as a school and to place a four unit modular classroom structure on a lot in a B1 Two-Family District; subject to conditions.

**Calendar No. 12-109:** 11600 Harborview Drive

Anthony Nassif appealed to erect a one-story frame shed/garage on a parcel in an AA1 One-Family District.

**Calendar No. 12-86:** 1724 Clark Avenue

Scranton Road Bible Church appealed to construct a temporary parking lot on a parcel in a C1 Multi-Family District; subject to conditions.

Secretary

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

Re: Report of the Meeting of  
July 18, 2012

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

**Docket A-369-11.**

RE: Appeal of Mary Ferrell, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property located on the premises known as 2200 East 85th Street from a VACATE & CONDEMNATION ORDER — MAIN STRUCTURE, dated November 2, 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, that based upon the inspection by the City, a motion is in order at this time to permit the Appellant to remain and occupy the facility during renovation and to grant the Appellant one (1) year 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. Bradley and seconded by Mr. Maschke.

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

\* \* \*

**Docket A-17-12.**

RE: Appeal of Bessie L. Boykins, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 9004 Kempton Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 11, 2012 of the Director of the Department of Building and

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations, including the garage work; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

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**Docket A-23-12.**

RE: Appeal of Ernest Young Jr., Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 3524 East 133rd Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 10, 2012 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 six (6) months in which to complete abatement of all 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. Bradley and seconded by Mr. Saab.

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

**Docket A-29-12.**

RE: Appeal of 3900 Woodland LLC, Owner of the A-2 Assembly - Night Clubs, Restaurants Two Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 3179 West 25th Street, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated January 11, 2012 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-29-12 has been POSTPONED; to be rescheduled for August 1, 2012.

\* \* \*

**Docket A-32-12.**

RE: Appeal of Andre D. Williams, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 3057 East 79th Street, from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated January 18, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant, within two (2) weeks, to obtain all the required permits and allow an inspection of the facility to determine if the property is suitable for the proposed and present occupancy; and to grant the Appellant six (6) 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. Bradley and seconded by Mr. Saab.

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

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**Docket A-34-12.**

RE: Appeal of Lonna Henderson, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 2826 East 119th Street, from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated January 31, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete abatement of the exterior violations and six (6) months in which to complete abatement of all 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-37-12.**

RE: Appeal of Hubo One LLC, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 4723 Fenwick Avenue, from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 21, 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 REMAND the property 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, Bradley, Maschke. Nays: Mr. Saab.

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**Docket A-38-12.**

RE: Appeal of Hubo One LLC, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 4725 Fenwick Avenue, from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 21, 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 REMAND the property 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, Bradley, Maschke. Nays: Mr. Saab.

\* \* \*

**Docket A-39-12.**

RE: Appeal of Hubo One LLC, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 4727 Fenwick Avenue, from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 21, 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 REMAND the property 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, Bradley, Maschke. Nays: Mr. Saab.

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**Docket A-40-12.**

RE: Appeal of Hubo One LLC, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property,

located on the premises known as 4731 Fenwick Avenue, from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 21, 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 REMAND the property 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, Bradley, Maschke. Nays: Mr. Saab.

\* \* \*

**Docket A-41-12.**

RE: Appeal of Hubo One LLC, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 4735 Fenwick Avenue, from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 21, 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 REMAND the property 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, Bradley, Maschke. Nays: Mr. Saab.

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**Docket A-42-12.**

RE: Appeal of Hubo One LLC, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 4751 Fenwick Avenue, from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 21, 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 REMAND the property 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, Bradley, Maschke. Nays: Mr. Saab.

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**Docket A-43-12.**

RE: Appeal of Sharon Ingram, Owner of the Residential Property located on the premises known as 9107 Easton Avenue from a LIMITATION ON THE PERMIT, dated February 28, 2012 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 twelve (12) months in which to complete abatement of the all violations, with the understanding that the garage is going to be removed in the next few weeks; 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. Maschke.

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

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**Docket A-45-12.**

RE: Appeal of The Edna House for Women, Inc., Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 12009 Geraldine Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated February 8, 2012 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-45-12 has been WITHDRAWN at the request of the Appellant.

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**Docket A-46-12.**

RE: Appeal of Demond Williams, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 12406 Forest Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated July 7, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete abatement of the exterior violations and six (6) months in which to complete abatement of all violations, noting that permits have been obtained, 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. Maschke.

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

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**Docket A-97-12.**

RE: Appeal of Dora Pauley, Owner of the Property located on the premises known as 3271 East 55th Street from an ADJUDICATION ORDER, dated March 20, 2012 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 for a later date.

\* \* \*

**Docket A-136-12.**

RE: Appeal of Fast Track Cycling, Inc., Owner of the Property located on the premises known as 5033 Broadway Avenue from an ADJUDICATION ORDER, dated June 6, 2012 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 permit the track to go into business with the following conditions: a variance is granted to permit the supports on the asphalt to remain as adequate support for the facility; to require within sixty (60) days suitable foundations under the supports that are located on the grassy areas; to permit adequate port-a-johns to be used for the users of the track; to have bottled water available at all times when the track toilet room users and spectators; with the understanding that during special events, the adjacent indoor facilities will be made available to the attendants and participants. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-160-12.**

RE: Appeal of James Page, Owner of the Property, located on the premises known as 4760 Grayton Road, from an ADJUDICATION ORDER dated June 5, 2012 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 consider the patio a separate fire area, granting the variance to the two (2) glass doors going to the patio, to be considered adequate fire separation in combination with the masonry wall; to limit the occupancy inside the enclosed restaurant to less than 100, permitting the patio occupants to use the interior toilet facilities. 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. Bradley 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-391-11 — 3160 West 33rd Street LLC
- A-7-12 — James M. & Karen M. Jones
- A-14-12 — Thomas J. O'Conner
- A-15-12 — Kenneth A. Myers Jr.
- A-16-12 — Kurt Zrenner

- A-20-12 — Bonnie Boskovitch
- A-130-12 — Concord Commence One, LLC

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

\* \* \*

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-395-11 — Andrew L. Hobson, Jr.
- A-26-12 — Jack Riley

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

\* \* \*

Separate motions were entered by Mr. Maschke and seconded by Mr. Bradley 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-10-12 — Jermal McCall
- A-13-12 — Thor Real Estate
- A-19-12 — Xin Zhu Mei
- A-22-12 — George Troicky/Ace Storage Inc.
- A-24-12 — Carolyn Carrington
- A-27-12 — St. Luke's Housing Partnership
- A-111-12 — Jason Sotka

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

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Bradley and seconded by Mr. Gallagher 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):

June 20, 2012

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

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE  
REQUEST FOR PROPOSALS**

The City of Cleveland is accepting proposals for an Automated Scrap Materials & Used Goods Transaction Information Management System. Dates of acceptance are from July 30 to August 17, 2012. The complete RFP can be found on the City of Cleveland website:

www.city.cleveland.oh.us. Contact person is Deputy Chief Leroy Morrow at 216-623-5009.

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

Phyllis E. Cleveland
Chair
Committee on City Planning

July 25, 2012, August 1, 2012, August 8, 2012 and August 15, 2012

July 25, 2012 and August 1, 2012

NOTICE OF PUBLIC HEARING

Notice of Public Hearing
By the Council Committee
On City Planning

Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, August 8, 2012
9:00 a.m.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on August 8, 2012, at 9:00 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 275-12.

By Council Member Cimperman
An ordinance to change the Use District of land located on the southeast corner of Bridge Avenue and West 30th Street to Local Retail Business (Map Change No. 2386 Sheet No. 1).

Ord. No. 845-12.

By Council Members Zone and Cimperman.
An ordinance establishing a Pedestrian Retail Overlay Special Sign (PRO-S) District on the north and south sides of Lorain Road between West 52nd Street and Gehring Street and the east and west sides of West 25th Street between Jay Avenue and Chatham Avenue as shown shaded on the attached map (Map Change No. 2394, Sheet Number 1)

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the

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

THURSDAY, AUGUST 16, 2012

File No. 99-12 — Labor and Materials Necessary to Repair, Replace and Maintain Various Types of Valves, Actuators and Appurtenances (24 inches and larger), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1293-11, Passed by the Council of the City of Cleveland, October 10, 2011.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, AUGUST 2, 2012 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

July 25, 2012 and August 1, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

NO MEETINGS

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
Bold type in sections indicates amendments

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Marble emergency repairs at 1201 Lakeside Avenue - per Ord. 2081-06 to The Cleveland Marble Mosaic Company - Division of Water, Dept. of Public Utilities (BOC Res. 347-12) ..... 1182  
Michael J. Zone Recreation Center New Concession Building - per Ord. 607-10 to Envirocom Construction, Inc. - Dept. of Public Works (BOC Res. 358-12) ..... 1185  
Police Officer Memorial, 4th District - per Ord. 1513-05 to R.J. Platten Contracting Co. - Dept. of Public Works (BOC Res. 359-12) ..... 1185

**Board of Control - Public Safety Department**

Police Officer Memorial, 4th District - per Ord. 1513-05 to R.J. Platten Contracting Co. - Dept. of Public Works (BOC Res. 359-12) ..... 1185

**Board of Control - Public Utilities Department**

Energy Adjustment Charge - amend rates, rules and regulations of Division of Cleveland Public Power (BOC Res. 346-12) ..... 1182  
Marble emergency repairs at 1201 Lakeside Avenue - per Ord. 2081-06 to The Cleveland Marble Mosaic Company - Division of Water (BOC Res. 347-12) ..... 1182  
Training, general, remedial, developmental and technical - approve subcontractors - Contract #PS2010\*254 per BOC Res. 178-10 (BOC Res. 345-12) ..... 1182  
Wire, cable and accessories - amend BOC Res. 191-12 - Division of Cleveland Public Power (BOC Res. 344-12) ..... 1181

**Board of Control - Public Works Department**

Electric motors and pumps - per C.O. Sec. 181.101 to PESCO Pumps & Equipment - Division of Property Management (BOC Res. 357-12) ..... 1185  
Grinding of pavement - per C.O. Sec. 181.01 - all bids rejected - Division of Streets (BOC Res. 360-12) ..... 1185  
Interior improvements at Dept. of Finance - per C.O. Sec. 185.01 to Feghali Brothers, LLC (BOC Res. 361-12) ..... 1186  
Michael J. Zone Recreation Center New Concession Building - per Ord. 607-10 to Envirocom Construction, Inc. (BOC Res. 358-12) ..... 1185  
Police Officer Memorial, 4th District - per Ord. 1513-05 to R.J. Platten Contracting Co. (BOC Res. 359-12) ..... 1185  
Security services at indoor/outdoor recreational facilities - amend BOC Res. 272-12 - Division of Recreation (BOC Res. 355-12) ..... 1184  
Towing services - per C.O. Sec. 131.64 to Charlie's Towing Service, Inc. - Division of Motor Vehicle Maintenance (BOC Res. 356-12) ..... 1185

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

Sale of scrap, personal property, and by-products in June 2012 - per BOC Res. 921-52 (BOC Res. 342-12) ..... 1181

**Board of Control - Recreation Division**

Security services at indoor/outdoor recreational facilities - amend BOC Res. 272-12 - Dept. of Public Works (BOC Res. 355-12) ..... 1184

**Board of Control - Requirement Contracts**

Electric motors and pumps - per C.O. Sec. 181.101 to PESCO Pumps & Equipment - Division of Property Management, Dept. of Public Works (BOC Res. 357-12) ..... 1185  
Towing services - per C.O. Sec. 131.64 to Charlie's Towing Service, Inc. - Division of Motor Vehicle Maintenance, Dept. of Public Works (BOC Res. 356-12) ..... 1185  
Wire, cable and accessories - amend BOC Res. 191-12 - Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 344-12) ..... 1181

**Board of Control - Streets Division**

Grinding of pavement - per C.O. Sec. 181.01 - all bids rejected - Dept. of Public Works (BOC Res. 360-12) ..... 1185

**Board of Control - Water Division**

Marble emergency repairs at 1201 Lakeside Avenue - per Ord. 2081-06 to The Cleveland Marble Mosaic Company - Dept. of Public Utilities (BOC Res. 347-12) ..... 1182

**Board of Zoning Appeals - Report**

Brookpark Road, 7200, (Ward 13) – M&G Equities, a New York Partnership, owner and HH Gregg - appeal heard on 7/23/12 (Cal. 12-110) ..... 1187  
 Clark Avenue, 1724, (Ward 14) – Scranton Road Bible Church, owner - appeal granted and adopted on 7/23/12 (Cal. 12-86) ..... 1187  
 East 63rd Street, 1100, (Ward 7) – St. Martin DePorres High School, owner - appeal granted and adopted on 7/23/12 (Cal. 12-108) ..... 1187  
 Harborview Drive, 11600, (Ward 16) – Anthony Nassif, owner - appeal granted and adopted on 7/23/12 (Cal. 12-109) ..... 1187  
 Lee Road, 4159, (Ward 1) – Golden Arch Realty Corporation, owner - appeal heard on 7/23/12 (Cal. 12-114)..... 1187  
 Lorain Avenue, 4118, (Ward 3) – Mig Company, Ltd., owner - appeal dismissed on 7/23/12 (Cal. 12-94-1) ..... 1187  
 Pearl Road, 4106, (Ward 13) – Mathile Saad, owner - appeal to be heard on 8/6/12 (Cal. 11-190)..... 1187  
 Warsame, Ahmed – appeal withdrawn on 7/23/12 (Cal. 12-113)..... 1187  
 Wentworth Avenue, 7572, (Ward 15) – NDHMD, Inc., owner and John P. Malone, statutory agent - appeal withdrawn on 7/23/12 (Cal. 12-97) ..... 1187  
 West 5th Street, 2490, (Ward 3) – Opportunity Housing Cleveland, LLC, owner - appeal heard on 7/23/12 (Cal. 12-94) ..... 1187

**Board of Zoning Appeals - Schedule**

Buckeye Road, 11525-29, (Ward 6) – Cleveland Housing Network, owner - appeal to be heard on 8/6/12 (Cal. 12-120) ..... 1186  
 Clinton Avenue, 3300, (Ward 3) – Jason Bristol, owner - appeal to be heard on 8/6/12 (Cal. 12-119) ..... 1186

**City of Cleveland Bids**

Valves, actuators and appurtenances (24" and larger) - Department of Public Utilities - Division of Water - per Ord. 1293-11 - bid due August 16, 2012 (advertised 7/25/2012 and 8/1/2012)..... 1190

**City Planning Commission**

Bridge Ave. and West 30th Street ( Southeast corner ) - Change Use District - City Planning Commission ( Ward 03 ) ( O 275-12 ) ..... 1190  
 Lorain Rd. ( Between West 52nd St. & Gehring St. ) & West 25th St. ( Between Jay Ave. and Chatham Ave. ) - Pedestrian Retail Overlay Special Sign (Pro-S) District - City Planning Commission ( Ward(s) 15, 03 ) ( O 845-12 ) ..... 1190

**Public Hearing (Notices )**

Bridge Ave. and West 30th Street ( Southeast corner ) - Change Use District - City Planning Commission ( Ward 03 ) ( O 275-12 ) ..... 1190  
 Lorain Rd. ( Between West 52nd St. & Gehring St. ) & West 25th St. ( Between Jay Ave. and Chatham Ave. ) - Pedestrian Retail Overlay Special Sign (Pro-S) District - City Planning Commission ( Ward(s) 15, 03 ) ( O 845-12 ) ..... 1190

**Ward 03**

Bridge Ave. and West 30th Street ( Southeast corner ) - Change Use District - City Planning Commission ( Ward 03 ) ( O 275-12 ) ..... 1190  
 Lorain Rd. ( Between West 52nd St. & Gehring St. ) & West 25th St. ( Between Jay Ave. and Chatham Ave. ) - Pedestrian Retail Overlay Special Sign (Pro-S) District - City Planning Commission ( Ward(s) 15, 03 ) ( O 845-12 ) ..... 1190

**Ward 15**

Lorain Rd. ( Between West 52nd St. & Gehring St. ) & West 25th St. ( Between Jay Ave. and Chatham Ave. ) - Pedestrian Retail Overlay Special Sign (Pro-S) District - City Planning Commission ( Ward(s) 15, 03 ) ( O 845-12 ) ..... 1190

**Zoning**

Bridge Ave. and West 30th Street ( Southeast corner ) - Change Use District - City Planning Commission ( Ward 03 ) ( O 275-12 ) ..... 1190  
 Lorain Rd. ( Between West 52nd St. & Gehring St. ) & West 25th St. ( Between Jay Ave. and Chatham Ave. ) - Pedestrian Retail Overlay Special Sign (Pro-S) District - City Planning Commission ( Ward(s) 15, 03 ) ( O 845-12 ) ..... 1190