

# The City Record

Official Publication of the Council of the City of Cleveland



November the Fourteenth, Two Thousand and Twelve

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

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

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### OFFICES:

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

#### DIVISIONS:

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

**DEPT. OF PUBLIC HEALTH** – Karen Butler, 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** – Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

**BOARD OF SIDEWALK APPEALS** – Service 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 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** – 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; 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

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WEDNESDAY, NOVEMBER 14, 2012

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## CITY COUNCIL

MONDAY, NOVEMBER 12, 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, Polensek, Reed.

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:** 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, November 12, 2012

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

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

Also present were, Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Natoya J. Walker Minor, Chief of Public Affairs, and Directors Langhenry, Dumas, Withers, Smith, Wasik, Butler, Rush, Rybka, Southerington, Nichols and Fumich.

Council Members, Administration, Staff, and those in the audience rose for a moment of silent reflection. Pledge of Allegiance.

#### MOTION

On the motion of Council Member Polensek, the Clerk was instructed to correct the journal of the October 15, 2012, meeting of the Council (City Record Volume 99, page 1645), at "SECOND READING EMERGENCY ORDINANCES PASSED" by striking all references to Ordinance No. 1407-12 including its amendment, then inserting the following:

#### Ord. 1407-12.

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

An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Clean Ohio Conservation Program, or its successor or designee, for environmental assessment and remediation and for property acquisition needed for Stage 3 of the Towpath Trail Project; authorizing the Director to enter into and exercise Option to Purchase Agreements with Concrete, Inc. and Jerome T. Osborne for properties needed for the Project and to grant or accept gifts of property between the parties; authorizing the Commissioner of Purchases and Supplies to purchase the properties; and authorizing payment of grant funds to Cuyahoga County for the assessment and remediation of the Properties

Approved by Directors of Public Works, City Planning Commission, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, City Planning, Finance, when amended, as follows:

1. In Section 7, line 2, after "Board of Control" insert "**which shall not exceed \$350,000.00**".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

And, further, that the Clerk was instructed to publish these amendments correctly in the City Record.

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

#### FROM OHIO DIVISION OF LIQUOR CONTROL

##### File No. 1603-12.

Re: 2275179 — D2, D2X, D3, D6 — Stock Application — Dot and Beans Tavern, Inc. 6201 St. Clair Avenue, 1st Floor 7. Ward 7. Received.

##### File No. 1604-12.

Re: 22348151290 — C1 — New Application — Dolgen Midwest, LLC, d.b.a., Dollar General Store, #13208, 5133 Superior Avenue. Ward 8. Received.

##### File No. 1605-12.

Re: 80939850005 — C1, C2 — Transfer Ownership and Location Application — Shiva Shakti, LLC, d.b.a., K & Y Convenient, 1846 Euclid Avenue. Ward 8. Received.

**File No. 1606-12.**

Re: 3227845 — D5J — New Application — Alan B. Glazen, d.b.a., Fontinas Family Restaurant, 406 East 156th Street. Ward 11. Received.

**File No. 1607-12.**

Re: 0304410 — C1 — New Application — Astral Enterprises Ltd, d.b.a., Broadview food Market, 4744 Broadview Road. Ward 13. Received.

**File No. 1608-12.**

Re: 2118654 — D5, D6 — Stock Application — DI Con, Inc., d.b.a., Woodys Bar & Grille, 13932 Triskett Road. Ward 19. Received.

**File No. 1609-12.**

Re: 6620022 — D2, D2X, D3, D3A — Transfer Ownership and Location Application — Paddy Rock Inc., 16700 Lorain Avenue. Ward 19. Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 1610-12**—Gladys Beatrice McClendon.

**Res. No. 1611-12**—Sarah L. Maxwell.

**Res. No. 1612-12**—Evelyn Virginia Bedell.

**Res. No. 1613-12**—Delores Lorraine Stewart.

**Res. No. 1614-12**—Cornelius Johnson, Jr.

**Res. No. 1615-12**—Patrol Officer Marcia E. Lounds-Figueroa, Badge #364.

**Res. No. 1616-12**—Theresa M. Loftus.

**CONGRATULATIONS RESOLUTIONS**

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

**Res. No. 1617-12**—Marie Townsend.

**Res. No. 1618-12**—Chris Trepal.

**Res. No. 1619-12**—Sylvia Rucinski.

**Res. No. 1620-12**—Waun Ki Hong, M.D.

**Res. No. 1621-12**—Chrystal Carr Jeter.

**Res. No. 1622-12**—Public Administration Library — 100th Anniversary.

**Res. No. 1623-12**—Lt. James Oryl, Badge #8335.

**APPRECIATION RESOLUTION**

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

**Res. No. 1624-12**—William D. "Bill" Mason.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 1583-12.**

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

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants, computer software developers, or vendors or one or more firms of professional consultants, computer software developers, or vendors to acquire, install, and configure a Web-Based Power Monitoring and Commu-**

**nication System; and authorizing one or more requirement and/or standard contracts for materials, equipment, supplies, and services, needed to implement the Web-Based Power Monitoring and Communication System.**

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

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

**Section 1.** That the Director of Port Control is authorized to employ by contract or contracts one or more professional consultants, computer software developers, or vendors or one or more firms of professional consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to acquire, install and configure a Web-Based Power Monitoring and Communication System defined to include, but not limited to, remote devices for metering, monitoring, control and protection, a network time server, all Ethernet communications gateways, intercommunication wiring, ancillary equipment, startup and training services, and ongoing technical support (the "System") for the Department of Port Control.

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

**Section 2.** That the Director of Port Control is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period to be determined by the Director of Port Control, for materials, equipment, supplies, or services needed to implement the System, which are not provided under a professional services contract authorized in this ordinance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control.

**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 Finance 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 the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 112, 60 SF 114, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 11, 60 SF 121, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 129, 60 SF 130, 60 SF 141, and 60 SF 160, and from any funds or subfunds to which are credited any grants or federal PFCs authorized for the above contracts. (RQS 3001, RL 2012-149).

**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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 1584-12.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. NF2010-016 with AeroMag 2000 CLE, LLC for the use of certain Airport-owned space at Cleveland Hopkins International Airport.**

Whereas, under the authority of Ordinance No. 1544-09, passed November 23, 2009, the Director of Port Control entered into Contract No. NF2010-016 with AeroMag 2000 CLE, LLC for the use of certain Airport-owned space at Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 1544-09 requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the use of the Leased premises, AeroMag 2000 CLE, LLC shall pay the City an annual fee as specified in the contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. NF2010-016 for an additional year with AeroMag 2000 CLE, LLC. This ordinance constitutes the additional legislative authority required by Ordinance No. 1544-09 to exercise this option.

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

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

**Ord. No. 1585-12.**

**By Council Members K. Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Ohio Department of Education for the 2013 Summer Food Service Program; authorizing the purchase by requirement contract of food, food products, beverages, condiments and paper products to implement the grant, for the Division of Recreation, Department of Public Works; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.**

Whereas, this ordinance constitutes an emergency measure providing for



the usual daily operation of a municipal department; now, therefore,

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

**Section 1.** That the Director of Public Works is authorized to apply for and accept a grant in the approximate amount of \$400,000.00, from the Ohio Department of Education, to conduct the 2013 Summer Food Service Program for the purposes described in the summary; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1585-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of unitized meals for the breakfast and lunch program to be served at City recreation centers and at various non-profit agencies and other agencies or recreation facilities as determined by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Public Works. 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 shall determine.

**Section 4.** That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of Public Works is authorized to make one or more written contracts with the various non-profit organizations to implement the 2013 Summer Food Service Program.

**Section 5.** That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant period for the necessary items of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of

Recreation, Department of Public Works. 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 shall determine.

**Section 6.** 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 under a delivery order against the contract or contracts certified by the Director of Finance.

**Section 7.** 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 Works 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 8.** That, notwithstanding the provisions of Section 181.24 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for the contract or contracts authorized by this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

**Section 9.** 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 10.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1586-12.**  
**By Council Members Cimperman, K. Johnson, Cleveland and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to lease certain property in the Cleveland Municipal Parking Lot to GMAC Insurance, for a term of one year, with two one year options to renew, exercisable by the Director of Public Works, for the purpose of parking.**

Whereas, the City of Cleveland owns certain property known as the Cleveland Municipal Parking Lot, portions of which are not needed for the City's use; and

Whereas, GMAC Insurance 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 GMAC Insurance ("Lessee"), certain property which is not needed for the City's use for the term of the lease: not to exceed 500 parking spaces in the Cleveland Municipal Parking Lot (east) located on the south side of the Cleveland Shoreway on South Marginal Road.

**Section 2.** That the term of the lease authorized by this ordinance shall not exceed one year, with two one-year options to renew, exercisable by the Director of Public Works.

**Section 3.** That the property described above shall be leased at a rental of \$55.00 per space per month which is determined to be fair market value.

**Section 4.** That the lease may authorize the Lessee 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. 1587-12.**

**By Council Members Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to make alterations and modifications in Contract No. CT 7003 PI 2012-006 with Nerone & Sons, Inc. for improvements to the Miles Pointe Crossing Parking Lot, for the Department of Public Works.**

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 Works is authorized to make the following alterations and modifications in Contract No. CT 7003 PI 2012-006 with Nerone & Sons, Inc., for improvements to the Miles Pointe Parking Lot, for the Department of Public Works:

Subsidiary Additions

<u>Description</u>	<u>Amount</u>
Additional parking lot undercut including Excavation, removal, 6" of stone with geo-grid, complete (7080sy @ \$12.90/sy)	\$91,332.00
Total Subsidiary Additions	\$91,332.00
Original Contract Amount	\$ 422,960.21
Total Subsidiary Additions	+ 91,332.00
<b>TOTAL REVISED CONTRACT AMOUNT</b>	<b>\$ 514,292.21</b>

which alteration has been recommended in writing by the Director of Public Works, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Public Works and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$91,332.00 to be paid from Fund Nos. 17 SF 652, 20 SF 509, 20 SF 524, and 20 SF 539, RQS 0103, RL 2012-165.

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

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

**Ord. No. 1588-12.**  
**By Council Members K. Johnson,**  
**Cleveland and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to execute a deed of easement granting certain temporary construction easement rights in property located at the entrance of the Highland Park Cemetery to Cuyahoga County, declaring that the temporary construction easement rights granted are not needed for the City's public use.**

Whereas, Cuyahoga County has requested the Director of Public Works to convey certain temporary construction easement rights in property located at the entrance of the Highland Park Cemetery to Cuyahoga County; and

Whereas, Cuyahoga County requires a temporary construction easement needed for the Northfield Road reconstruction project in the Village of Highland Hills; and

Whereas, the temporary construction easement area is not needed for the City's public use; and

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

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

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

**EXHIBIT A**

**PARCEL 6-T**  
**CUY-422-8,88**  
**TEMPORARY EASEMENT**  
**FOR THE PURPOSE OF**  
**DRIVEWAY WORK, TREE**  
**REMOVAL, SIGN REMOVAL, STONE**  
**BOLLARD REMOVAL AND**  
**WALL REMOVAL**  
**24 MONTHS FROM THE DATE**  
**OF ENTRY BY THE**  
**COUNTY OF CUYAHOGA, OHIO**

**SURVEYOR'S DESCRIPTION**

Permanent Parcel No. 751-01-002

Situated in the Village of Highland Hills, County of Cuyahoga and State of Ohio, and known as being part of

Original Warrensville Township Lot No. 56. Also being part of the land conveyed to The City of Cleveland as recorded in Volume 1042, Page 158 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 1" iron pin to be set in a monument box the intersection of the centerline of right-of-way of Northfield Road, at centerline Station 185 + 10.09 and the centerline of construction of relocated Northfield Road, at centerline Station 38 + 64.30;

Thence binding on the easterly extension of said centerline of relocated Northfield Road, North 89° 11' 20" East, 50.00 feet to a point on the easterly right-of-way line of Northfield Road at Northfield Road centerline Station 185 + 10.08, 50.00 feet right, said point also being the True Point of Beginning for the parcel of land herein described;

Thence leaving said centerline and binding on said easterly right-of-way, North 00° 48' 54" West, 83.00 feet;

Thence leaving said easterly right-of-way, North 89° 11' 20" East, 88.92 feet;

Thence North 34° 24' 22" East, 23.26 feet;

Thence North 89° 11' 20" East, 8.00 feet;

Thence South 01° 10' 19" East, 177.00 feet;

Thence South 89° 11' 20" West, 8.00 feet;

Thence North 37° 44' 45" West, 31.28 feet;

Thence South 89° 11' 20" West, 84.64 feet to the easterly right-of-way of Northfield Road;

Thence North 00° 48' 54" West, 50.00 feet to the point of beginning.

Containing within said bounds 0.3549 acres (15,459 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, 2012.

Bearings are based on the Ohio State Plane Coordinate System, North Zone NAD83 (CORS96), Grid North.

**Section 2.** That the Commissioner of Purchases and Supplies is authorized to convey the above-described temporary construction easement interest to Cuyahoga County subject to any conditions stated in this ordinance, at an appraisal price of \$93,950, which includes compensation for the disturbed site improvements that will be removed to accommodate the new

cemetery entrance drive configuration.

**Section 3.** That the easement shall be non-exclusive and the purpose of the easement shall be for the Northfield Road reconstruction project in the Village of Highland Hills.

**Section 4.** That the duration of the temporary construction easement shall be for a period not to exceed two years from the date construction is commenced; that the temporary construction easement shall not be assignable without the consent of the Director of Public Works; that the temporary construction easement shall require that Cuyahoga County provide reasonable insurance; pay any applicable taxes and assessments; and shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

**Section 5.** That the conveyance referenced above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the improvement.

**Section 6.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1589-12.**  
**By Council Members Cimperman**  
**and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Solid Waste District for the 2013 Solid Waste Disposal Program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$68,267, and any other funds that may become available during the grant term, from the Cuyahoga County Solid Waste District to conduct the 2013 Solid Waste Disposal 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, File No. 1589-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

**Section 4.** That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

**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 Health 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 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 Health, Finance, Law; Committees on Health and Human Services, Finance.

**Ord. No. 1590-12.**  
**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 Ohio Emergency Management Agency for the 2011-14 Metropolitan Medical Response System Program; authorizing the Director to employ one or more professional consultants to implement the grant; authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals and Cuyahoga County; authorizing the purchase by one or more requirement or standard contracts of materials, equipment, services, and supplies, including training, conducting exercises, and program planning 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 amount of \$281,693, from Ohio Emergency Management Agency to conduct the 2011-14 Metropolitan Medical Response System (MMRS) 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 notice of award for the grant contained in the file described below.

**Section 2.** That the notice of award for the grant, File No. 1590-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Safety shall have the authority 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 Cuyahoga County and other agencies, entities, or individuals to implement the grant as described in the file.

**Section 5.** That the Director of Public Safety is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant period of the necessary items of materials, equipment, services, and supplies, including training, conducting exercises, and program planning, needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the 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.

**Section 6.** 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.

**Section 7.** 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 8.** That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant as described in the file.

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

**Section 9.** That the cost of the contract or contracts authorized in this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

**Section 10.** 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.

**Ord. No. 1591-12.**  
**By Council Members Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to apply for and accept one or more grants from the State of Ohio, Ohio Development Services Agency for the 2013 Home Weatherization Assistance Program.**

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

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

**Section 1.** That the Director of Community Development is authorized to apply for and accept one or more grants from the State of Ohio, Ohio Development Services Agency to conduct the 2013 Home Weatherization Assistance Program; that the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the program; and that the funds are appropriated for the purposes set forth in the summary for the grant or grants contained in the file described below.

**Section 2.** That the summary for the grant or grants, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1591-12-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 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. 1592-12.**

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

**An emergency ordinance authorizing the Director of Community Development to make alterations and modifications in Contract No. CT 4004 PI 2011-044 with Fabrizi Trucking & Paving, Inc. for improvements to the Morgana Run Subdivision Phase 1 Project/East 71st Street (Aetna-Broadway), for the Department of Community Development.**

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 make the following alterations and modifications in Contract No. CT 4004 PI 2011-044 with Fabrizi Trucking & Paving, Inc., for improvements to the Morgana Run Subdivision Phase 1 Project/East 71st Street (Aetna-Broadway), for the Department of Community Development:

Subsidiary Additions

<u>Description</u>	<u>Amount</u>
Contaminated Soil Land Fill Costs	\$22,800
Contaminated Soil Transport Cost	58,000
Overhead Utility wires buried on Aetna	80,000
Grade change in rear of site/add clean soil	20,000
20% Contingency	36,160
Total Subsidiary Additions	\$ 216,960
Original Contract Amount	\$ 1,977,157.60
Total Subsidiary Additions	+ 216,960.00
<b>TOTAL REVISED CONTRACT AMOUNT</b>	<b>\$ 2,194,117.60</b>

which alteration has been recommended in writing by the Director of Community Development, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Community Development and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$216,960.00 to be paid from Fund Nos. 14 SF 033, 14 SF 035, 20 SF 393, 20 SF 505, and 20 SF 520, RQS 8006, RL2012-171.

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

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

**Ord. No. 1593-12.**

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

**An emergency ordinance approving the Tax Incentive Review Council's Year 2011 recommendations.**

Whereas, under Section 5709.83 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.83 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by the legislative authority; and

Whereas, under division (D) of Section 5709.83 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; 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 TIRC's Year 2011 recommendations contained in File No. 1593-12-A are approved.

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

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

**Ord. No. 1594-12.**

**By Council Member J. Johnson.**

**An emergency ordinance designating University Circle United Methodist Church (formerly known as Epworth-Euclid Church) as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate University Circle United Methodist Church (formerly known as Epworth-Euclid Church) as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on September 27, 2012 to discuss the proposed designation of University Circle United Methodist Church (formerly known as Epworth-Euclid Church) as a landmark; and

Whereas, the Commission has recommended designation of University Circle United Methodist Church (formerly known as Epworth-Euclid Church) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

**Section 1.** That University Circle United Methodist Church (formerly known as Epworth-Euclid Church), whose street addresses in the City of Cleveland are 1905-29 East 107th Street and 10725 Chester Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Number is 119-20-028 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and bounded on the North by Wade Park, on the South by Chester Avenue, N. E., on the East by Martin Luther King, Jr. Drive (a part of Wade Park), and on the West by East 107th Street;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property hav-



ing special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

**Ord. No. 1595-12.**

**By Council Member J. Johnson.**

**An emergency ordinance designating the Sarah Redman Apartments as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Sarah Redman Apartments as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on September 27, 2012 to discuss the proposed designation of the Sarah Redman Apartments as a landmark; and

Whereas, the Commission has recommended designation of the Sarah Redman Apartments as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

**Section 1.** That the Sarah Redman Apartments, whose street address in the City of Cleveland is 1269 East 99th Street, Cuyahoga County Auditor's Permanent Parcel Number is 109-10-167, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublot Number 64 and the Northerly 7 feet from front to rear of Sublot Number 63 in C. C. Baldwin's Allotment of part of Original One Hundred Acre Lots Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and together forming a parcel of land 40 feet front on the Easterly side of East 99th Street (formerly Hampden Street) and extending back of equal width 112 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways;

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

landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

**Ord. No. 1596-12.**

**By Council Member J. Johnson.**

**An emergency ordinance designating Park Lane Villa as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Park Lane Villa as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on September 27, 2012 to discuss the proposed designation of Park Lane Villa as a landmark; and

Whereas, the Commission has recommended designation of Park Lane Villa as a landmark and has set forth certain findings of fact constituting Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

**Section 1.** That Park Lane Villa, whose street addresses in the City of Cleveland are 10500-28 Park Lane, N. E., and 1887-1913 East 105th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 119-20-001 and 119-20-022 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot Number 402, further bounded and described as follows:

Beginning at a stone monument in the centerline of East 105th Street (60 feet wide) at its intersection with the Northerly line of Park Lane (30 feet wide);

Thence North 89° 42' 22" East along said Northerly line of Park Lane, 30.00 feet to a point therein;

Thence South 30.00 feet to a point in the Southerly line of said Park Lane and the principal place of beginning;

Thence North 89° 42' 22" East, along said Southerly line of Park Lane, 310.00 feet to a point therein;

Thence South 262.71 feet to a point;

Thence North 89° 59' 20" West, 310.00 feet to a drill hole in the Easterly line of the aforementioned East 105th Street;

Thence North along said Easterly line of East 105th Street 261.06 feet to the principal place of beginning, be the same more or less, but subject to all legal highways and containing 1.864 acres, and being according to a survey dated May 16, 1978, made by Seymour D. Weiss, Registered Surveyor Number 4759;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

**Ord. No. 1597-12.**

**By Council Member J. Johnson.**

**An emergency ordinance designating Judson Manor (formerly known as Wade Park Manor) as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Judson Manor (formerly known as Wade Park Manor) as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on September 27, 2012 to discuss the proposed designation of Judson Manor (formerly known as Wade Park Manor) as a landmark; and

Whereas, the Commission has recommended designation of Judson Manor (formerly known as Wade Park Manor) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

**Section 1.** That Judson Manor (formerly known as Wade Park Manor), whose street addresses in the City of Cleveland are 1886-1922 East 107th Street, 10604-26 Park Lane, N. E., and 10623-27 Chester Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Numbers are 119-20-019, 119-20-020, 119-20-021, and 119-20-033 and is also known as the following described property:

1. Northerly part of Permanent Parcel Number 119-20-020:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original One Hundred Acre Lot Number 402, and bounded and described as follows:

Beginning at the point of intersection of the Westerly line of East 107th Street (60 feet wide) with the Southerly line of Park Lane, N. E. (so called) (30 feet wide), said Southerly line of Park Lane, N. E., being parallel to and distant 30 feet Southerly, measured at

right angles with the Southerly line of land conveyed by J. H. Wade and wife to the City of Cleveland by deed dated August 17, 1894, and recorded in Volume 599, Page 313 of Cuyahoga County Records; thence Southerly along said Westerly line of East 107th Street about 223.97 feet to the Northeastly corner of land conveyed to Charles Lyman by deed dated September 19, 1887 and recorded in Volume 420, Page 2 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to Charles Lyman about 234 feet to the Easterly line of land conveyed to Louisa A. Ainger by deed dated April 14, 1873 and recorded in Volume 213, Page 201 of Cuyahoga County Records; thence Northerly along said Easterly line of land so conveyed to Louisa A. Ainger and along the Easterly line of land conveyed to Florence Shoes Scovill by deed dated March 21, 1898 and recorded in Volume 684, Page 263 of Cuyahoga County Records, about 87.38 feet to the Southwestly corner of land conveyed to Frances I. Manchester by deed dated April 15, 1893 and recorded in Volume 547, Page 558 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Frances I. Manchester about 66 feet to the Southeastly corner thereof; thence Northerly along the Easterly line of land so conveyed to Frances I. Manchester, to the Southerly line of Park Lane, N. E.; thence Easterly along said Southerly line of Park Lane, N. E., 171 feet to the place of beginning, be the same more or less, but subject to all legal highways;

2. Southerly part of Permanent Parcel Number 119-20-020

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original One Hundred Acre Lot Number 402, and forming a parcel of land bounded and described as follows:

Beginning in the Westerly line of East 107th Street (formerly Fairmount Street) (60 feet wide) at the Southeastly corner of the second parcel of land conveyed to Arthur Odell by deed dated August 3, 1901 and recorded in Volume 794, Page 401 of Cuyahoga County Records; thence Southerly along said Westerly line of East 107th Street, 43.00 feet; thence Westerly along a line parallel with the Southerly line of said second parcel of land conveyed to Arthur Odell, to the Easterly line of a parcel of land conveyed to Lauron A. Perkins, by deed dated May 9, 1901, and recorded in Volume 786, Page 71 of Cuyahoga County Records; thence Northerly along said Easterly line of land conveyed to Lauron A. Perkins, about 3.00 feet to the Southerly line of a parcel of land conveyed to Charles W. Kingsley, by deed dated September 1, 1891 and recorded in Volume 500, Page 376 of Cuyahoga County Records; thence Westerly along said Southerly line of land conveyed to Charles W. Kingsley, to the Easterly line of a parcel of land conveyed to Louisa A. Ainger by deed dated April 7, 1873, and recorded in Volume 213, Page 201 of Cuyahoga County Records; thence Northerly along said Easterly line of land conveyed to Louisa A. Ainger, about 40.00 feet to the Southwestly corner of said second parcel of land conveyed to Arthur Odell; thence Easterly along said Southerly line of the second parcel of

land conveyed to Arthur Odell to the place of beginning, be the same more or less, but subject to all legal highways;

3. Permanent Parcel Number 119-20-021

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original One Hundred Acre Lot Number 402 and bounded and described as follows:

Beginning at a point in the Southerly line of Park Lane, N. E., distant 310 feet Easterly from the intersection of the said Southerly line of Park Lane, N. E., with the Easterly line of East 105th Street; thence Southerly and parallel with said Easterly line of East 105th Street a distance of 135.35 feet to a point; thence Easterly making an included angle of 89° 25' 40" with the said last described line, the first course herein, a distance of 65.25 feet to a point; thence Northerly making an included angle of 90° 04' 10" with the last described line, the second course herein, a distance of 135.02 feet to the Southerly line of Park Lane, N. E.; thence Westerly along said Southerly line of Park Lane, N. E., a distance of 66.42 feet to the place of beginning, as shown by the plat of a survey made by George M. Garrett, Civil Engineer, said plat dated November 1, 1922, be the same more or less, but subject to all legal highways;

4. Permanent Parcel Number 119-20-019

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original One Hundred Acre Lot Number 402, and bounded and described as follows:

Beginning on the Westerly line of East 107th Street (formerly Fairmount Street) (60 feet wide), at a point distant 43 feet Southerly, measured along the Westerly line of East 107th Street, from the Southeastly corner of the second parcel of land conveyed to Arthur Odell, by deed dated August 3, 1901, and recorded in Volume 794, Page 401 of Cuyahoga County Records; thence Southerly along said Westerly line of East 107th Street, 47 feet to the Northeastly corner of land conveyed to Frederick C. Becker, by deed dated June 25, 1906 and recorded in Volume 1043, Page 378 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to Frederick C. Becker, and along the Westerly prolongation, to the Easterly line of land conveyed to Izola Rickard and Mary E. Rickard, by deed dated May 9, 1901, and recorded in Volume 785, Page 111 of Cuyahoga County Records; thence Northerly along said Easterly line of land so conveyed to Izola Rickard and Mary E. Rickard, 8 feet to the Northeastly corner thereof; thence Westerly along the Northerly line of land so conveyed to Izola Rickard and Mary E. Rickard, about 32 feet to the Easterly line of land conveyed to Lauron A. Perkins, by deed dated May 9, 1901 and recorded in Volume 785, Page 71 of Cuyahoga County Records; thence Northerly along said Easterly line of land so conveyed to Lauron A. Perkins, about 39 feet to its intersection with a line drawn Westerly and parallel with the Southerly line of the second parcel of land conveyed to Arthur Odell as aforesaid from the place of beginning; thence Easterly and parallel with the Southerly line of the second parcel of

land conveyed to Arthur Odell to the place of beginning, be the same more or less, but subject to all legal highways;

5. Permanent Parcel Number 119-20-033

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original One Hundred Acre Lot Number 402, and bounded and described as follows:

Beginning at the point of the intersection of the Westerly line of East 107th Street with the Northerly line of Chester Avenue, N. E. (formerly Fairmount Avenue); thence Northerly along said Westerly line of East 107th Street, about 140 feet to the Southeastly corner of land conveyed to Julius C. Gerould by deed dated December 3, 1902 and recorded in Volume 863, Page 231 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed to Julius C. Gerould as aforesaid, about 125 feet to the Northeastly corner of land conveyed to Izola Rickard and Mary E. Rickard by deed dated June 26, 1906 and recorded in Volume 1042, Page 448 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Izola Rickard and Mary E. Rickard, about 140 feet to the Northerly line of said Chester Avenue, N. E.; thence Easterly about 125 feet to the place of beginning, be the same more or less, but subject to all legal highways;

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

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

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

**Ord. No. 1598-12.**

**By Council Members J. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into an amendment to Contract No. 65607 with PLV Associates, L.P. and any collateral documents for the rehabilitation of Park Lane Villa apartments at 10510 Park Lane, to amend the repayment terms of the loan.**

Whereas, under Ordinance No. 2205-04, passed December 6, 2004, this Council authorized a loan to PLV Associates, L.P. for the rehabilitation of the Park Lane Villa Apartments at 10510 Park Lane, Contract No. 65607; and

Whereas, the Director of Community Development and PLV Associates, L.P. wish to amend the repayment terms of the loan; and

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an amendment to Contract No. 65607 with PLV Associates, L.P. and any collateral documents for the rehabilitation of Park Lane Villa Apartments at 10510 Park Lane to amend the repayment terms of the loan which are described in the Executive Summary which is placed in File No. 1598-12-A. All other terms of the loan shall remain the same.

**Section 2.** That the Director of Law shall prepare the amendment.

**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. 1599-12.**

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

**An emergency ordinance to amend Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1796-08, passed March 23, 2009, relating to rates of fare and receipts for taxicabs.**

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 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1796-08, passed March 23, 2009, is amended to read as follows:

**Section 443.26 Rates of Fare; Receipts**

(a) Except as provided in division (f) of this section, the maximum rates of fare for gasoline fueled or propane fueled taxicabs, including sales tax, shall be as follows:

(1) For the first one-eighth (1/8) mile or fraction thereof, two dollars and seventy-five cents (\$2.75).

(2) For each additional one-eighth (1/8) mile or fraction thereof, twenty-eight cents (\$0.28).

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

(c) *Charge for More than Four (4) Passengers.* The rate for carrying more than four (4) passengers shall be an additional one dollar (\$1.00) per person for each passenger over twelve (12) years of age.

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

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

(f) *Rates of Fare from Cleveland Hopkins International Airport.* The following maximum rates of fare apply to gasoline fueled, compressed natural gas or propane fueled taxicabs which are transporting passengers from Cleveland Hopkins International Airport to another location. These rates of fare include metered rates, taxicab operating cost recovery, fuel surcharges and depreciation, sales tax, and applicable fees, and shall be as follows:

**(1) Effective February 15, 2013, the Rates from the Airport are as follows:**

A. 0 to 5 miles - \$13.50  
 B. 6 to 10 miles - \$24.50  
 C. 11 to 15 miles - \$34.50  
 D. 16 to 20 miles - \$45.50  
 E. 21 to 25 miles - \$56.50  
 F. 26 to 30 miles - \$67.50  
 G. 31 to 35 miles - \$77.50  
 H. 36 to 40 miles - \$88.50

**I. 41 miles \$99.50, plus an additional \$2.00 for each mile over 41 miles up to 55**

**J. 56 miles \$132.25, plus an additional \$2.00 for each mile over 56 miles up to 70**

**K. 71 miles \$165.00, plus an additional \$2.00 for each mile over 71 miles up to 85**

**L. 86 miles \$197.75, plus an additional \$2.00 for each mile over 86 miles up to 100**

**M. 101 miles \$230.50, plus an additional \$2.00 for each mile over 101 miles up to 115**

**N. 116 miles \$263.25, plus an additional \$2.00 for each mile over 116 miles up to 130**

**O. 131 miles \$296.00, plus an additional \$2.00 for each mile over 131 miles up to 145**

**P. 146 miles \$328.75, plus an additional \$2.00 for each mile over 146 miles up to 160**

**Q. 161 miles \$361.50, plus an additional \$2.00 for each mile over 161 miles up to 175**

**R. 176 miles \$394.25, plus an additional \$2.00 for each mile over 176 miles up to 190**

**S. 191 miles \$427.00, plus an additional \$2.00 for each mile over 191 miles up to 199**

**T. 200 miles and over \$4.00 per mile**

**(2) Effective February 15, 2016, the Rates from the Airport are as follows:**

A. 0 to 5 miles - \$15.00  
 B. 6 to 10 miles - \$26.00  
 C. 11 to 15 miles - \$36.00  
 D. 16 to 20 miles - \$47.00  
 E. 21 to 25 miles - \$58.00  
 F. 26 to 30 miles - \$69.00  
 G. 31 to 35 miles - \$79.00  
 H. 36 to 40 miles - \$90.00

**I. 41 miles \$101.00, plus an additional \$2.00 for each mile over 41 miles up to 55**

**J. 56 miles \$133.75, plus an additional \$2.00 for each mile over 56 miles up to 70**

**K. 71 miles \$166.50, plus an additional \$2.00 for each mile over 71 miles up to 85**

**L. 86 miles \$199.25, plus an additional \$2.00 for each mile over 86 miles up to 100**

**M. 101 miles \$232.00, plus an additional \$2.00 for each mile over 101 miles up to 115**

**N. 116 miles \$264.75, plus an additional \$2.00 for each mile over 116 miles up to 130**

**O. 131 miles \$297.50, plus an additional \$2.00 for each mile over 131 miles up to 145**

**P. 146 miles \$330.25, plus an additional \$2.00 for each mile over 146 miles up to 160**

**Q. 161 miles \$363.00, plus an additional \$2.00 for each mile over 161 miles up to 175**

**R. 176 miles \$395.75, plus an additional \$2.00 for each mile over 176 miles up to 190**

**S. 191 miles \$428.50, plus an additional \$2.00 for each mile over 191 miles up to 199**

**T. 200 miles and over \$4.00 per mile**

**Section 2.** That existing Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1796-08, passed March 23, 2009, is repealed.

**Section 3.** That the repeal of existing Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1796-08, passed March 23, 2009, and the enactment of new Section 443.26 by this ordinance shall be effective February 15, 2013.

**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 Port Control, Finance, Law; Committees on Aviation and Transportation, Legislation, Finance.

**Ord. No. 1600-12.**

**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 2011 Urban Area Security Initiative Program; authorizing the Director of Public Safety to enter into one or more contracts with SAS Institute for professional services; and authorizing one or more requirement and/or standard contracts for materials, equipment, supplies, and services, 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 \$1,958,000, and any other funds that may become available during the grant term from Cuyahoga County to conduct the FY 2011 Urban Area Security Initiative ("UASI") 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 award letter for the grant contained in the file described below.



**Section 2.** That the award letter for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1600-12-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 shall have the authority to extend the term of the grant during the grant term.

**Section 4.** That the Director of Public Safety is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period during the grant term, for each or all of the following items: materials, equipment, supplies, and services needed to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Safety.

**Section 5.** That the Director of Public Safety is authorized to enter into one or more contracts with SAS Institute for professional services necessary to implement the grant on the basis of their proposals dated June 14, 2012, for the Department of Public Safety.

**Section 6.** 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 the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

**Section 7.** 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 8.** 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 9.** 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.

**Ord. No. 1602-12.**  
**By Council Members Cleveland, Brancatelli, and Kelley (by departmental request).**

**An emergency ordinance authorizing the amendment to certain documents relating to a loan made by the City to assist in the redevelopment of the former Longwood Apartments pursuant to Ordinance No. 1574-2000 passed September 25, 2000 and authorizing related matters.**

Whereas, pursuant to the authority of Section 203 of the Housing and Community Development Amendments of 1978, 12 U.S.C. §1701z-11, as amended by Section 101(b) of the Multifamily Housing Property Disposition Reform Act of 1994 and regulations promulgated pursuant thereto, in order to further the provision of decent, safe, sanitary, and affordable housing in the City, the United States Department of Housing and Urban Development ("HUD") heretofore determined to (i) dispose of certain real property and the improvements thereon located in the City known as Longwood Apartments (the "Original Property") and (ii) make available an up-front grant (the "Grant") in an amount not to exceed \$25,160,000 in connection with demolition, rebuilding, redevelopment and other related development of the Original Property; and

Whereas, in order to provide for the redevelopment in the most economically efficient manner possible, HUD (i) conveyed title to the Original Property to the City pursuant to a Special Warranty Deed dated September 27, 2000 (the "HUD Deed"), and (ii) made the Grant available to the City pursuant to an UpFront Grant Agreement (the "UpFront Agreement") dated September 28, 2000 between HUD and the City; and

Whereas, pursuant to Ordinance No. 1574-2000, passed September 25, 2000 (the "Authorizing Legislation") the City entered into the Grant Agreement; and

Whereas, an affiliate of the Borrower (the "Developer") purchased the Original Property from the City pursuant to a Redevelopment Agreement between the City and the Developer (the "Redevelopment Agreement"), which property was transferred to the Developer by an Official Quitclaim Deed recorded in Cuyahoga County AFN 20000920724 on September 29, 2000, and the Developer agreed to redevelop, or to cause the redevelopment by its permitted assignees of, a portion of the Original Property, together with additional property conveyed by the City (the "City Property"), into a multifamily housing complex containing a total of 629 affordable living units, together with related amenities and supporting facilities (the "Project") in up to four phases; and

Whereas, as authorized by the Authorizing Legislation, in order to further the redevelopment of the Project in accordance with the terms of HUD Deed, the Grant Agreement and the Redevelopment Agreement (the "Controlling Documents"), the City agreed to loan the proceeds of the Grant (the "City Loan") to the Developer or its permitted assignees pursuant to an UpFront Loan Agreement between the City and the Developer (the "Original Loan Agreement") (the "City Loan Agreement", as amended from time to time, shall be referred to as the "Agreement"); and

Whereas, the Borrower was formed to develop, on behalf of the Developer, the first Phase of the Project, consisting of 282 affordable living units, together with related amenities and supporting facilities including a management office, community center, and supportive services ("Phase One Project") on a portion of the Original Property and the City Property (collectively, the "Phase One Project Site") and in connection therewith,

the Developer conveyed the Phase One Project Site to the Borrower; and

Whereas, pursuant to the Developer's request and in order to enable the Borrower to develop the Phase One Project, the City (1) loaned \$5,280,000 of the Grant proceeds (the "Phase One Loan") and (2) agreed to use \$6,000,000 of the Grant proceeds to purchase all of the \$6,000,000 County of Cuyahoga, Ohio Subordinate Multifamily Housing Mortgage Revenue Bonds, 2001 Series B (Longwood Phase One Associates, L.P. Project) (the "Outstanding Bonds"); and

Whereas, the Mortgagor's obligation to repay the Consolidated Phase One Loan was evidenced by a Promissory Note in the amount of \$5,280,000 (the "Original Note") and secured by an Open-End Mortgage and Security Agreement from Mortgagor to the City, dated as of August 1, 2001 and recorded in the Official Cuyahoga County Records as Instrument No. 2001081001343 (the "Original City Loan Mortgage") and the Mortgagor's obligation to repay the Outstanding Bonds was secured by an Open-End Mortgage and Security Agreement from Mortgagor to National City Bank, as Trustee for the benefit of the City, dated as of August 1, 2001 and recorded in the Official Cuyahoga County Records as Instrument No. 2001081001342 (the "Original Bond Mortgage");

Whereas, the Borrower's obligation to repay the Phase One Loan is evidenced by a Promissory Note in the amount of \$5,280,000 (the "Original Note"); and

Whereas, in addition to the Phase One Loan and the Outstanding Bonds, the Borrower financed the Phase One Project with the proceeds of an FHA-insured loan funded through the issuance of \$17,000,000 County of Cuyahoga, Ohio Multifamily Housing Mortgage Revenue Bonds, 2001 Series A (Longwood Phase One Associates, L.P. Project) (the "Senior Loan Bonds"); and

Whereas, as a requirement of the Senior Loan Bonds, the Original City Mortgage, the Original Bond Mortgage and other documents securing the Phase One Loan and the Outstanding Bonds (collectively, the "City Loan Collateral Documents") were subordinated to the mortgage and other documents securing the Senior Loan Bonds; and

Whereas, in order to reduce the interest expense incurred by the Borrower and thereby make additional funds available to pay costs of operating and maintaining the Phase One Project, the Borrower is refinancing the Senior Loan Bonds with the proceeds of a \$17,000,000 FHA-insured loan from Forest City Capital Corporation (the "Senior Lender"), pursuant to Section 223(a)(7) of the National Housing Act (the "New Senior Loan"); and

Whereas, as a condition to the making of the New Senior Loan, the City is being asked to (1) extend the maturity date of the Phase One Loan and the Outstanding Bonds to a date not earlier than the maturity date of the New Senior Loan and (2) re-subordinate the interests granted to the City in the City Loan Collateral Documents; and

Whereas, in order to allow for administrative and operating efficiencies going forward, the Borrower has asked the City to consolidate the Outstanding Bonds and the Phase One Loan into a single loan; now, therefore,



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

**Section 1.** The Mayor, the Director of Community Development, the Director of Finance, the Director of Law and other City officials, as appropriate, are authorized to execute and deliver, accept, or consent to, as the case may be, those documents and instruments necessary or appropriate to consummate the transactions authorized by this Ordinance, including to (i) amend the terms of the Original Note, the Original City Loan Mortgage, the Original Bond Mortgage and the other City Collateral Loan Documents, (ii) subordinate the Phase One Loan and the Outstanding Bonds to the Senior Loan and (iii) if it is determined by the Director of Finance to be in the best financial interests of the City, consolidate the Outstanding Bonds with the Phase One Loan, all in a manner consistent with the foregoing recitals.

**Section 2.** Open Meeting Determination. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 3.** Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2012 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2012 Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 4.** Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 5.** Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City

provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the matters authorized herein.

**Section 6.** Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by enabling the refinancing of the Phase One Project at a lowest rate of interest, which will benefit the residents of the Phase One Project, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

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

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

##### Ord. No. 1580-12.

By Council Member Sweeney.

**An emergency ordinance authorizing the Clerk of Council to enter into a third amendment to the agreement with Solar Systems Networking Inc., City Contract No. PS 2010\*83, for additional money for the continuation of professional services necessary to advise and assist in the maintenance and performance of computer technology projects for Cleveland City Council.**

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

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

**Section 1.** That the Clerk of Council ("Clerk") is authorized to enter into an amendment to the agreement with Solar Systems Networking Inc. ("Consultant"), City Contract No. PS 2010\*83, to add \$13,500 to the agreement for the continuation of the professional services necessary to advise and assist in the maintenance and performance of computer technology projects, as more specifically set forth in Consultant's Statement of Work received October 26, 2012, and as may be directed by the Clerk.

The cost of all services under this agreement shall be paid for from fund 11-006 and/or 21-006.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

##### Ord. No. 1581-12.

By Council Member Sweeney.

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Paladin Protective Systems, Inc. for professional services necessary to provide a sound system analysis and acoustical engineering services for the Council Chambers and Committee Room for Cleveland City Council.**

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

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

**Section 1.** That the Clerk of Council ("Clerk") is authorized to enter into an agreement with Paladin Protective Systems, Inc., ("Consultant") for the professional services necessary to provide a sound system analysis and acoustical engineering services for the Council Chambers and Committee Room for Cleveland City Council. The services will include, but not be limited to, providing recommendations for upgrading the sound systems in both areas, equipment, installation, system programming, testing, balancing and training on the systems.

The cost of the agreement shall not exceed \$46,000 which shall be paid for from fund 20-524

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

##### Ord. No. 1582-12.

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

**An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 491-12, passed April 9, 2012, relating to the 2012 Home Weatherization Assistance Program; and to enter into contracts necessary to implement the program.**

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

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

**Section 1.** That Sections 1 and 2 of Ordinance No. 491-12, passed April 9, 2012, is amended to read as follows:

**Section 1.** That the Director of Community Development is authorized to apply and accept **additional grant funds of \$1,314,266 for a total of \$3,563,009**, from the State of Ohio Department of Development **now known as the Ohio Development Services Agency** to conduct the 2012 Home Weatherization Assistance Program; that the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the **grants**; and that the funds are appropriated for the purposes set forth in the **summaries for the grants** contained in the **files** described below.

Section 2. That the **summaries** for the **grants**, presented to the Finance Committee of this Council at public **hearings** on this legislation and set forth in File Nos. 491-12-A and 491-12-B, are made a part of this ordinance as if fully rewritten, are approved in all respects, and shall not be changed without additional legislative authority.

**Section 2.** That existing Sections 1 and 2 of Ordinance No. 491-12, passed April 9, 2012, 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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1601-12.**

By Council Member Dow.

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Burten, Bell, Carr Development, Inc. for the Holiday Gift Card Food Program through the use of Ward 7 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 is authorized to enter into an agreement with the Burten, Bell, Carr Development, Inc. for the Holiday Gift Card Food Program for the public purpose of providing holiday gift cards for low income families residing in the city of Cleveland through the use of Ward 7 Neighborhood Capital Fund.

**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 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1456-12.**

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

An emergency ordinance to amend the title, and Section 1 of Ordinance

No. 535-12, passed May 14, 2012, relating to professional services for ongoing air and cargo consulting to change the term of the renewal options.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1489-12.**

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. MA1505 RC2012-008 with Clariant Corporation and Contract No. MA1505 RC2012-030 with NA Churs Plant Food to provide runway deicing chemicals for the various divisions of Cleveland Hopkins International Airport and Burke Lakefront Airport.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1529-12.**

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of wireless cards for data services on mobile computers to interface with the CRIS System, including maintenance, for the Division of Information Technology and Services, Department of Finance, for a period of one year with two one-year options to renew exercisable by the Director of Finance.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1530-12.**

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts without competitive bidding with Tyco Simplex-Grinnell to maintain, repair and expand the integrated fire and security system, for the various divisions of Port Control, for a period of two years with two one-year options to renew, the first of which requires additional legislative authority.

Approved by Directors of Port Control, Finance, and Law; Passage recommended by Committees on Aviation and Transportation, Finance, when amended, as follows:

1. In the title, strike lines 7, 8, and 9 in their entirety, and insert "**Port Control, for a period of one year with three one-year options to renew, the second of which is exercisable with additional legislative authority.**"

2. In Section 1, strike line 5 in its entirety, and insert "**to exceed one year with three one-year options to renew, of the necessary items of**"; and strike lines 9, 10, 11, 12, and 13 in their entirety and insert: "**Port Control. The first of the one-year**

**options to renew may be exercised by the Director of Port Control, 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 Port Control, without the necessity of obtaining additional authority of this Council.**"

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

**Ord. No. 1536-12.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Jay Avenue Development Corporation or its designee to provide economic development assistance to partially finance the renovation and site improvements of 2515 Jay Avenue and other associated costs necessary to redevelop the property.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1537-12.**

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

An emergency ordinance to amend Section 56 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 610-12, passed May 21, 2012, relating to compensation for various classifications.

Approved by Directors of Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1540-12.**

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from United States Environmental Protection Agency to conduct a brownfield revolving loan program to make loans or grants to assist with certain environmental remediation costs for eligible projects; and authorizing the director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

1. After Section 11, insert new Section 12 to read as follows:

**"Section 12. That the Director of Economic Development shall report to this Council annually on the Brownfield Revolving Loan Program to include reporting of applications received for loans and grants under this ordinance, awards made, and fund balances."**

2. Renumber existing Section 12 to read **"Section 13"**.

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

**LAI D ON THE TABLE**

**Ord. No. 1106-11.**

By Council Member Mitchell.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2216 and 2220 East 85th Street to Cleveland Housing Network or its designee.

**Ord. No. 1110-11.**

By Council Member Westbrook.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8804 and 8800 Willard Avenue to Cuyahoga Metropolitan Housing Authority.

Without objection, Ordinance No. 1106-11 and Ordinance No. 1110-11 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance No. 1106-11 and Ordinance No. 1110-11. Laid on the Table.

**MOTION**

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, November 19, 2012 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

November 7, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 7, 2012 at 10:37 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson.

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. 566-12.**

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. 912-52, 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 October, 2012 in the amount of \$41,983.82, attached and made a part of this resolution is received, approved and ordered filed.

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 567-12.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by AAA Flexible Pipe Cleaning Corporation authorized by Board of Control Resolution No. 545-12, adopted October 24, 2012, and Section 541.13 of the Codified Ordinances of Cleveland, Ohio, 1976, for sewer test tee inspection, installation and snaking, for the Division of Water Pollution Control, Department of Public Utilities, is approved:

Subcontractor                      CSB/MBE/FBE  
Work

Midtown Trucking                      CSB/MBE  
\$51,738.50 (20.00%)

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 568-12.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1574-11, passed by the Council of the City of Cleveland on April 9, 2012, Gershman, Brickner & Britton, Inc., is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide

professional services necessary to evaluate development options of the Cleveland Recycling and Energy Generation Center (formerly called MSWE) project at the City's Ridge Road Transfer Station, based on responses to the City's Request for Information and Qualifications received relating to this project, for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Gershman, Brickner & Britton, Inc. based on its proposal dated July 24, 2012, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in the proposal, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the work shall commence upon the date of execution of this contract, and shall provide for the furnishing of professional services as described in the proposal for an aggregate fee of \$265,680.00.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following sub-consultants is approved:

SUB-CONSULTANTS                      WORK  
PERCENTAGE

Ralph Tyler Companies                      \$30,000.00  
(CSB/M)                                      11.29%

McGuiness Unlimited                      \$ 5,010.00  
(CSB/F)                                      1.89%

GT Environmental                              \$55,150.00  
20.76%

NTH Consultants                              \$39,980.00  
15.05%

RMF Engineering                              \$14,940.00  
5.62%

Whelan Communications                      \$ 9,500.00  
3.58%

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 569-12.**

By Director Withers.

Whereas, under the authority of Ordinance No. 1628-10, passed by the Council of the City of Cleveland on January 24, 2011, and Resolution No. 474-12, adopted by this Board of Control on September 19, 2012, Efacec ACS, Inc. was selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to supplement the regularly employed staff of the Public Utilities Department of the City of Cleveland to provide professional services necessary to acquire licenses and provide a backup SCADA control center at the East Side Service Center, including installing, implementing, integrating, interfacing



ing, testing, and training, and for maintenance, technical support, and other related issues for a period up to two years for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, in Resolution No. 474-12, Control Systems was incorrectly identified as a sub-contractor to Efacec ACS, Inc., instead of Solar Systems Networking; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 474-12, adopted September 19, 2012, is amended by deleting "Control Systems" and substituting "Solar Systems Networking" as an approved sub-contractor.

Be it further resolved that all other terms of Resolution No. 474-12 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

#### **Resolution No. 570-12.**

By Director Withers.

Whereas, under the authority of Ordinance No. 448-09, passed by the Council of the City of Cleveland on June 1, 2009, and Resolution No. 145-11, adopted by this Board of Control on April 6, 2011, the City through its Director of Public Utilities on May 20, 2011 entered into Contract No. 2004\*PS2011\*118 with Richard Fleischman + Partners Architects, Inc. ("Consultant"), to perform the architectural and other professional services necessary to renovate, refurbish, equip, and make alterations to make the building acquired by Cleveland Public Power suitable for use as Cleveland Public Power's Southern Service Center, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, by Resolution No. 575-11, adopted on November 30, 2011, this Board of Control authorized a first modification to Contract No. 2004\*PS2011\*118; and

Whereas, the City has determined it requires additional professional services to modify the bid specifications because inaccuracies in the survey of parcels purchased from the Land Bank resulted in an inability to acquire the parcels relocation of a facility; and

Whereas, Consultant has proposed by its October 8, 2012 letter to perform the additional services described above under City Contract No. 2004\*PS2011\*118 for an additional \$13,462.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is authorized to enter into a second modification to Contract No. 2004\*PS2011\*118 with Richard Fleischman + Partners Architects, Inc. to perform the above-described additional professional services for a fee of \$13,462.00, thereby increasing the total compensation under the Agreement, as modified, from \$136,209.55 to \$149,671.55. The Director of Law shall prepare the second modification authorized above and shall include such additional provisions as that Director deems necessary to

benefit and protect the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that Resolution No. 575-11, adopted November 30, 2011, is amended by revising the participation of the previously approved sub-consultants under the contract to the following:

<u>SUB-CONSULTANTS</u>	<u>WORK PERCENTAGE</u>
Knight & Stolar, Inc., (CSB/F)	\$ 500.00 3.71%
Stephen Hovancsek & Associates, Inc. (CSB)	\$2,562.00 19.03%

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

#### **Resolution No. 571-12.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Industrial Valve & Universal Machine & Valve Co. for an estimated quantity of labor and materials necessary to repair, replace and maintain various types of valves, actuators and appurtenances (24 inches and larger), items 1-all items and 2-all items, 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 and services, received on August 16, 2012 under the authority of Ordinance No. 1293-11, passed October 10, 2011, which on the basis of the estimated quantity would amount to \$470,440.00 (1%, Net 15 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, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

#### **Resolution No. 572-12.**

By Director Smith.

Whereas, under the authority of Ordinance No. 462-05, passed by Cleveland City Council on May 9, 2005, and Board of Control Resolution No. 167-08, adopted April 9, 2008, the City of Cleveland entered into a contract with Blaze Construction, Inc., ("Blaze"), City Contract No. 67992, for the public improvement of relocating Taxiway W at Cleveland Hopkins International Airport; and

Whereas, by its October 9, 2012 letter, Blaze notified the City that it has changed its name to Trax Contracting, Inc.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board acknowledges Blaze's change of name from Blaze Construction, Inc. to Trax Contracting, Inc., effective October 15, 2012, under City Contract No. 67992 for the public improvement of relocating Taxiway W at Cleveland Hopkins International Airport.

Be it further resolved that the Director of Port Control is authorized to complete and execute all documents and do all acts necessary to effect the acknowledgement of such name change with respect to City Contract No. 67992.

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

#### **Resolution No. 573-12.**

By Director Flask.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Atwell's Police & Fire Equipment Co. for the purchase of Field Force Equipment, items 4-5, 8, and 10-13, for the Division of Police, Department of Public Safety, for the period of one year beginning with the date of the execution of a contract, with a one year option to renew, received on September 27, 2012, under the authority of Ordinance No. 885-10 passed by Cleveland City Council on September 27, 2010, which on the basis of estimated quantity would amount to \$14,285.00, is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the goods and/or services for the specified items.

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

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

#### **Resolution No. 574-12.**

By Director Flask.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Drellishak & Drellishak, Inc., d/b/a Pro-Tech Security Sales for the purchase of Field Force Equipment, items 1-3, 6-7, 9, and 14-15, for the Division of Police, Department of Public Safety, for the period of one year beginning with the date of the execution of a contract, with a one year option to renew, received on September 27, 2012, under the authority of Ordinance No. 885-10 passed by Cleveland City Council on September 27, 2010, which on the basis of estimated quantity would amount to



\$38,465.08, is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the goods and/or services for the specified items.

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

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 575-12.**

By Director Cox.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Fallsway Equipment Company, for an estimated quantity of ten trailer mounted air compressors, with options 1 and 2, and an estimated quantity of three trailer mounted air compressors with option 2 only, for the Division of Motor Vehicle Maintenance, Department of Public Works, for the period of one year beginning with the date of execution of a contract, received on June 27, 2012, under the authority of Ordinance No. 902-07, passed by Cleveland City Council on July 11, 2007, Ordinance No. 1602-10, passed by Cleveland City Council on December 6, 2010, and Ordinance No. 943-11, passed by Cleveland City Council on July 20, 2011, which on the basis of the estimated quantity would amount to \$347,790.00 (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 specified goods.

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.

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 576-12.**

By Director Cox.  
Be it resolved by the Board of Control of the City of Cleveland, that all bids received on September 14, 2012 for Estabrook Recreation Center Parking Lot Improvements for the Department of Public Works, pursuant to the authority of Ordinance No. 534-12, passed by the Council of the City of Cleveland on June 4, 2012 are rejected.

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 577-12.**

By Director Cox.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of R. W. Clark Company, Inc., for the Fourth District Police Station HVAC and Roof Improvements for the Department of Public Works, received on October 19, 2012, under the authority of Ordinance No. 453-11, passed May 16, 2011, for a gross price for the improvement in the aggregate amount of \$586,148.00, for Base Bid and Optional Item Nos. 2, 3, 4, 6, and 7, 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, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R. W. Clark Company, Inc. is hereby approved:

Subcontractor	CSB/MBE/FBE Amount Percent
R&R Mechanical	CSB/MBE \$ 24,600.00 4.197%
Work Best Electric	CSB/FBE \$ 7,300.00 1.245%
Miles Mechanical	CSB/MBE \$159,000.00 27.126%
T&F Systems, Inc.	CSB \$244,000.00 41.628%

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 578-12.**

By Director Cox.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of F. Buddie Contracting, LTD., for the Harvard Yards Building Five Mechanical Equipment Improvements for the Department of Public Works, received on October 19, 2012, under the authority of Ordinance No. 1724-09, passed February 8, 2010, for a gross price for the improvement in the aggregate amount of \$184,000.00, for Base Bid and Optional Item No. 4, 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, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by F. Buddie Contracting, LTD. is hereby approved:

Subcontractor	CSB/MBE/FBE Amount Percentage
Krusoe Sign Co.	CSB/FBE \$ 525.00 0.285%
Tech Ready Mix	CSB/MBE \$ 500.00 0.272%

Gateway Electric CSB/MBE  
\$10,780.00 5.859%

Yeas: Directors Langhenry, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 579-12.**

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. 119-28-128 located at 2229 East 80th Street in Ward 6; 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 Housing Network has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 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 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 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 Cleveland Housing Network for the sale and development of Permanent Parcel No. 119-28-128 located at 2229 East 80th 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 the sale of the parcel shall be \$1.00, 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, Withers, Acting Director Dangerfield, Director Cox, Acting Director Cross, Directors Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

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, NOVEMBER 26, 2012

9:30 A.M.

**Calendar No. 12-187:** Appeal of City View Mechanical, Inc.

City View Mechanical, Inc. appeal under the authority of Section 187.20(c) of the Codified Ordinances of Cleveland, Ohio, 1976, from the denial for both Female Business (FBE) and Minority Business (MBE) Enterprise certification by the Office of Equal Opportunity and a Certification Appeal Hearing held on September 10, 2012.

**Calendar No. 12-188:** 2925 Jay Avenue (Ward 3)

Michael Wojtanowski, owner, appeals to erect a 3,926 square foot one family, two-story house and three car garage on a 40' x 107.50' corner lot in a B1 Two-Family District; contrary to Section 355.04 a gross floor area of 3,926 is proposed and the maximum gross floor area permitted is 2,150 for a 4,300 square foot lot in a "B" area district; and by the provisions under Section 357.13(b)(4) an open porch is a permitted side street encroachment provided it does not extend within 10 feet of the street line and the proposed porch is 2 feet from the street line; aggregate side yards shall not be less than one-half the main building height, requiring 15 feet where 9'6" are proposed; and contrary to Section 357.09(b) the proposed building will be within 3 to 6 feet and not the required 10 feet from a main building on an adjoining lot; and a fence six feet high is proposed along the interior side lot line approximately three feet from the residence on the adjoining lot contrary to Section 358.04(a) in the Cleveland Codified Ordinances.

**Calendar No. 12-195:** 8901 Superior Avenue (Ward 7)

The Cuyahoga Metropolitan Housing Authority, owner, appeals to construct a new ambulatory building on acreage in a C1 Multi-Fami-

ly District between East 89th and East 90th Streets on the north side of Superior Avenue; subject to the required separation under Section 337.08(e)(5) the proposed ambulatory building and accessory uses must be located at least 15 feet from any adjoining premises in a residence district; and in the provisions for Side Street Yard Regulations under Section 357.05(a) the distance in a residence district back from the side street line along the side street line of a corner lot for accessory uses or buildings shall not be less than 10 feet from such side street line; and on the rear of a corner lot in any use district where the rear lot line of the corner lot is also the side line of the butt lot in the rear, and a setback building line is established for such butt lot, no building shall be erected nearer to the side street at the rear line of the corner lot than the setback building line of the butt lot provided that for each foot the building on the corner lot sets in from the rear lot line, it may be set one foot nearer to the side street line; and in accordance with Sections 357.08(b)(1) a rear yard depth of not less than 20 feet is required and a generator is not a permitted within the required rear yard according to Section 357.13 and parking within in the required front yard setback is not permitted under the provisions in Section 357.14(a); and a minimum 6 feet wide frontage (a fifty percent year-round opacity) landscaping strip is required along all street frontages, in accordance with Section 358.08-12 in the Cleveland Codified Ordinances.

**Calendar No. 12-197:** 2099 West 7th Street (Ward 3)

Seth Linnick, owner, appeals to erect a 20' x 41' three-story, one family frame residence on a 25.01' x 99.89' lot in a B1 Multi-Family District; subject to the maximum gross floor area limitations under Section 355.04(a) a gross floor area of 1,249 is permitted and 2,692 is proposed; and contrary to the Section 357.13(b)(4) a distance of 4 feet is proposed where open porches shall not extend within 10 feet of the street line. The proposed building will be within 5 feet 6 inches and 4 feet 6 inches, contrary to 10 feet from a main building on an adjoining lot as required under Section 357.09(2)A; interior side yards a minimum width of 3 feet are required and 2 feet is proposed; the required total width of both side yards is 10 feet contrary to 5 feet and Section 357.09(2)B in the Cleveland Codified Ordinances.

### Violation Notice

**Calendar No. 12-196:** 4019-21 Memphis Avenue (Ward 13)

Anthony Rocco appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered by the City of Cleveland Parking Violations Bureau Photo Safety Division on October 26, 2012 and the violation information described on Civil Infraction Ticket Number WC00145078, issued September 13, 2012 for the property located at 4019-21 Memphis Avenue and failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 12, 2012

At the meeting of the Board of Zoning Appeals on Monday, November 12, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

None.

The following appeal is held pending for verification of a request to be **WITHDRAWN:**

**Calendar No. 12-150:** 4001 Detroit Avenue Progressive Urban Properties, LLC, owner, and First Federal of Lakewood appealed to erect a double faced, illuminated projecting wall sign on the front elevation of a two-story building in a D2 Semi-Industry District.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

**Calendar No. 12-178:** 4268 Bradley Road postponed to November 26, 2012.

**Calendar No. 12-181:** 2343 Superior Avenue postponed to December 17, 2012.

**Calendar No. 12-185:** 3212 West 25th Street postponed to November 26, 2012.

**Calendar No. 12-107:** Appeal from Parking Occupancy Tax postponed to January 14, 2013.

**Calendar No. 12-167:** 598 East 185th Street postponed to December 17, 2012.

The following appeals heard by the Board on November 5, 2012 were adopted and approved on November 12, 2012.

The following appeals were **APPROVED:**

### Violation Notice

**Calendar No. 12-175:** 4405 Woburn Avenue Tomford Capital LLC and Joseph Rezabek appealed from a decision by a designee of the Director of Public Works regarding Civil Infraction Ticket WC00144576; penalty amount reduced.

### Violation Notice

**Calendar No. 12-176:** 3458 West 120th Street Christopher Willard appealed from a decision by a designee of the Director of Public Works regarding Civil Infraction Ticket WC00144618; penalty amount reduced.

The following appeal was **DENIED:**

**Calendar No. 12-142:** 17149 St. Clair Avenue Brian Kuhar appealed to expand a junk yard use to include wreck-

ing and dismantling of motor vehicles in a C2 Semi-Industry and B3 General Industry Districts.

The following appeal heard by the Board on June 18, 2012 was **WITHDRAWN**:

**Calendar No. 12-91:** 16114 St. Clair Avenue  
Salvatore Difini owner, and Rhonda Wynn, tenant, appealed to establish use as a car wash/motor vehicle maintenance shop in a C2 Local Retail Business District.

The following appeals scheduled for postponement hearing on December 3, 2012 are rescheduled for a final postponement to May 13, 2013.

**Calendar No. 10-259:** 4300 Bradley Road

**Calendar No. 10-260:** 4300 Bradley Road

**Calendar No. 10-194:** 4300 Bradley Road.

Secretary

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

Re: Report of the Meeting of November 7, 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-86-12.**

RE: Appeal of Down River Specialties, Inc., Owner of the Property, located on the premises known as 620 Frankfort Avenue, from an ADJUDICATION ORDER, dated March 22, 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 variance required for the main front door swing, noting that the front door swing is in the wrong direction and is locked open during all periods of occupancy, and to grant the variance for accessibility of the second means of egress provided that there is an easement or legal agreement to maintain the opening at the second door to the main parking lot and being recorded so that any change is noted, and clear during all seasons; should the conditions change, to maintain the occupancy level to current sprinkler code. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-103-12.**

RE: Appeal of East 123rd Street Properties, Ltd., Owner of the M. Mercantile — Retail Shops, Carry-

out Food Shops One Story Masonry Semi-Industry Property located on the premises known as 1862 East 123rd Street, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 30, 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 abate the violations by demolishing the property, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-104-12.**

RE: Appeal of East 123rd Street Properties, Ltd., Owner of the M. Mercantile — Retail Shops, Carry-out Food Shops One Story Masonry Semi-Industry Property located on the premises known as 1885 Colman Road, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 30, 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 ninety (90) days in which to either submit plans to the Building Department for permits to rehabilitate the property or complete demolition of the property, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-170-12.**

RE: Appeal of Louis Azman, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Property, located on the premises known as 705 East 155th Street, from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated June 25, 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 find that the Notice of Violation was properly issued and to DENY the request for additional time, 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-171-12.**

RE: Appeal of Louis Azman, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Property, located on the premises known as 901 Rudyard Road, from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated June 25, 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 find that the Notice of Violation was properly issued and to DENY the request for additional time, 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-173-12.**

RE: Appeal of Geddie Hemphill, Owner of the MXD Mixed Uses — Multiple Uses In One Building Two Story Masonry Walls/Wood Floors Property located on the premises known as 15010 Kinsman Road (aka 3510 East 151st Street) from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated July 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 two (2) weeks in which to submit drawings for the proposed work to the CDC and three (3) months after approval by the CDC 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. Maschke.

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

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**Docket A-177-12.**

RE: Appeal of Traci Cook, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 3868 East 142nd Street, from a NOTICE OF VIOLATION, dated June 27, 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 thirty (30) days in which to obtain permits and erect the fence, 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-182-12.**

RE: Appeal of Underwood Coleman, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 1037 Ansel Road, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 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 find that the Condemnation Order was properly issued and that the request for additional time is DENIED, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the Appellant was not present for the two scheduled hearings. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-188-12.**

RE: Appeal of Jason Moore, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 11810 Osceola Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 2, 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 reinforce the permit due dates and concur with the time thereon, noting that if additional time is required and the progress is satisfactory Appellant can be granted more time, 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.

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**Docket A-189-12.**

RE: Appeal of Quest Property Management & Consulting, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 7919 Bellevue Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 3, 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-189-12 has been POSTPONED; to be rescheduled for December 5, 2012.

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**Docket A-190-12.**

RE: Appeal of James J. McNamee Jr., Owner of the Residential Property located on the premises known as 17208 Fernshaw Avenue from a NOTICE OF VIOLATION — HVAC,

dated July 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).

Docket A-190-12 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-192-12.**

RE: Appeal of Fannie Mae, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 775 Thornhill Drive from a CONDEMNATION ORDER — MAIN STRUCTURE dated July 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).

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 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. Saab.

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

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**Docket A-194-12.**

RE: Appeal of Wadsworth & Elaine Jarrell, Owners of the MXD Mixed Uses — Multiple Uses In One Building Two Story Masonry Property located on the premises known as 1355-57 East 105th Street from a CONDEMNATION ORDER — MAIN STRUCTURE dated July 19, 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 submit plans for renovation of the property to the Department of Building and Housing and other appropriate authorities. 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-195-12.**

RE: Appeal of Entrust Arizona LLC fbo Thomas Thatcher, Owner of the Three Dwelling Units Three-Family Residence Two & One-half Story Frame Property located on the premises known as 870 Eddy Road from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated July 17, 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-195-12 has been POSTPONED; to be rescheduled for December 5, 2012.

**Docket A-196-12.**

RE: Appeal of Olga Vivian Ransom, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 735 Parkwood Drive from a CONDEMNATION ORDER — MAIN STRUCTURE, dated May 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 six (6) months 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. Saab.

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

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**Docket A-197-12.**

RE: Appeal of Carlton Story, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 15704 School Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 17, 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 the time to abate the violations as stated in the permits, 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, Saab, Bradley, Maschke. Nays: None.

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**Docket A-198-12.**

RE: Appeal of James E. Barrow, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 369 Eddy Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 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 grant the Appellant the time granted by the permits, when the permits are obtained, and the permits should be obtained within the next two (2) weeks, the property 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-199-12.**

RE: Appeal of Shoantah M. Harrell, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property and F-2 Factory — Low Hazard (Non-combustibles) One Story Frame Garage Property, located on the premises known as 9223 Adams Avenue, dated February 18, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to submit a rehabilitation schedule within two (2) weeks and to comply with the dates listed by the City under their regulations from that point forward 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. Bradley and seconded by Mr. Saab.

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

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**Docket A-201-12.**

RE: Appeal of MPA Chesterfield, LLC, Owner of the R-2 Residential — Non-transient; Apartments (Shared Egress) Garage Property, located on the premises known as 1801 East 12th Street, from a NOTICE OF VIOLATION — INTERIOR/ EXTERIOR MAINTENANCE, dated July 23, 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 violations, 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-203-12.**

RE: Appeal of Ayman A. Hamdeh, Owner of the MXD Mixed Uses — Multiple Uses In One Building Two Story Masonry Property located on the premises known as 4167 East 131st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 12, 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 thirty (30) days in which to obtain permits for demolition of the property, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

**CORRECTED RESOLUTION FROM OCTOBER 24, 2012:**

**Docket A-162-12.**  
George Caraman/Caraman Corp. — 8003 Simon Avenue:

FROM:..to grant the Appellant sixty (60) days in which to complete abatement of all violations, the property is REMANDED to the Department of Building and Housing for supervision and any required further action...

TO:..to grant the Appellant six (6) months in which to complete abatement of all violations, the property is REMANDED to the Department of Building and Housing for supervision and any required further action...

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Maschke and seconded by Mr. Bradley for Approval and Adoption of the Resolution/s 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-98-12 — Capital Source Bank
- A-146-12 — Jo-Fran Piorkowski
- A-147-12 — Jo-Fran Piorkowski
- A-148-12 — Cortney Gantt
- A-163-12 — George Caraman
- A-168-12 — Drue King
- A-169-12 — Yvette Denise Wynn
- A-172-12 — Constance Latimore
- A-174-12 — E. 82nd Properties Ltd.
- A-175-12 — Devin D. Young
- A-176-12 — Leroy Miller
- A-178-12 — Mohammad Ebeid
- A-179-12 — Carla Sims
- A-183-12 — Conte Gould
- A-184-12 — Mohammad I. Abuasi
- A-185-12 — Salathiel Carter
- A-186-12 — Velma Mainer
- A-241-12 — Biz-Unlimited

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

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Saab 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):

October 24, 2012

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

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

NO NE

1797

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing  
By the Council Committee  
On City Planning**

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Monday, November 26, 2012  
1:30 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, November 26, 2012, at 1:30 p.m., to consider the following ordinance now pending in the Council:

**Ordinance to be introduced.**

By Council Member Cimperman. An emergency ordinance to amended Section 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 889-10, passed October 4, 2010, relating to drive-through lanes in pedestrian retail overlay (PRO) districts.

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

November 14, 2012 and November 21, 2012

**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 employ-**

ment 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."

**FRIDAY, NOVEMBER 30, 2012**

**File No. 148-12 — Madison Avenue Rehabilitation**, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 593-12, passed by the Council of the City of Cleveland, June 4, 2012.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) 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, NOVEMBER 15, 2012 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF ENGINEERING AND CONSTRUCTION, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 7, 2012 and November 14, 2012

**WEDNESDAY, DECEMBER 5, 2012**

**File No. 147-12 — Lonnie Burten Recreation Center Waterslide Improvements**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 534-12, passed by the Council of the City of Cleveland, June 4, 2012.

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, NOVEMBER 15, 2012 AT 2:00 P.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 7, 2012 and November 14, 2012

**THURSDAY, DECEMBER 6, 2012**

**File No. 145-12 — Decorative Post Lights and Address Lights, Including Installation to Implement Cleveland Public Power's Decorative Post Light Program**,

for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 406-12, passed by the Council of the City of Cleveland, May 21, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, NOVEMBER 16, 2012 AT 10:00 A.M. THE TOM L. BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 7, 2012 and November 14, 2012

**WEDNESDAY, DECEMBER 12, 2012**

**File No. 143-12 — Maintaining Detention Facilities and Structures, 2012-2013**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 651-09, passed by the Council of the City of Cleveland, June 8, 2009.

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** THURSDAY, NOVEMBER 29, 2012 AT 10:00 A.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**File No. 144-12 — Rehabilitating and Relining Sewers at Various Locations Throughout the City for 2013-2014**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 996-03, passed by the Council of the City of Cleveland, July 16, 2003.

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** THURSDAY, NOVEMBER 29, 2012 AT 10:30 A.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

November 7, 2012 and November 14, 2012

**THURSDAY, DECEMBER 13, 2012**

**File No. 146-12 — Street Lighting Lamps**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section No. 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, NOVEMBER 16, 2012 AT 2:30 P.M. THE TOM L. BUILD-

ING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 7, 2012 and November 14, 2012

**FRIDAY, DECEMBER 7, 2012**

**File No. 150-12 — East 176th Street Sewer Replacement Project**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 739-12, passed by the Council of the City of Cleveland, June 4, 2012.

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** MONDAY, NOVEMBER 26, 2012 AT 10:30 A.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**File No. 152-12 — Lubricants**, for the Divisions of Water Pollution Control, Water, and Cleveland Public Power, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, NOVEMBER 26, 2012 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

November 14, 2012 and November 21, 2012

**WEDNESDAY, DECEMBER 12, 2012**

**File No. 149-12 — Wakefield Avenue Sewer Replacement Project**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 741-12, passed by the Council of the City of Cleveland, June 4, 2012.

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** MONDAY, NOVEMBER 26, 2012 AT 10:00 A.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**File No. 154-12 — Various Bulk Multi-Purpose Bond Paper and Envelopes**, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 1453-12,

passed by the Council of the City of Cleveland, October 15, 2012.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, NOVEMBER 26, 2012 AT 11:00 A.M. THE DIVISION OF PRINTING AND REPRODUCTION, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

November 14, 2012 and November 21, 2012

**FRIDAY, DECEMBER 14, 2012**

**File No. 153-12 — Labor and Materials for Pipe Type Cable Repair Maintenance,** for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 810-11, passed by the Council of the City of Cleveland, August 17, 2011.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, NOVEMBER 28, 2012 AT 10:30 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

November 14, 2012 and November 21, 2012

**THURSDAY, JANUARY 24, 2013**

**File No. 151-12 — Terminal Security Bollards Project WBS NO. A1-A400-3,** for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 748-11 and 395-12, passed by the Council of the City of Cleveland, July 20, 2011 and May 14, 2012, respectively.

**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 FRIDAY, NOVEMBER 30, 2012 AT 9:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND PLUS CONFERENCE ROOM (BAGGAGE LEVEL IN TERMINAL) , CLEVELAND, OHIO 44135.**

November 14, 2012 and November 21, 2012

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 1557-12.**

**By Council Member Conwell.**

**An emergency resolution requesting the Ohio General Assembly to make physical assault on public transit workers a felony under Ohio law.**

Whereas, recently a bus driver for the Regional Transit Authority in Cleveland was the subject of an assault by a passenger; and

Whereas, bus drivers and all transit workers are at greater risk of assaults, verbal abuse and other injuries due to the intimate nature of their work with the general public; and

Whereas, other states have laws that provide specific penalties for harming public transportation workers; and

Whereas, in order to better protect our public transportation workers while on the job, the state of Ohio should adopt a law specifically making assault on a public transportation worker a felony; 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 hereby requests the Ohio General Assembly to make physical assault on public transit workers a felony under Ohio law.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to all members of the Ohio General Assembly.

**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 29, 2012.

Effective November 9, 2012, without the signature of the Mayor.

**Ord. No. 1262-12.**

**By Council Member J. Johnson.**

**An emergency ordinance designating Cory United Methodist Church (formerly Anshe Emeth Synagogue) as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Cory United Methodist Church (formerly Anshe Emeth Synagogue) as a landmark; and

Whereas, the owner of Cory United Methodist Church (formerly Anshe Emeth Synagogue) has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of Cory United Methodist Church (formerly Anshe Emeth Synagogue) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

**Section 1.** That Cory United Methodist Church (formerly Anshe Emeth Synagogue), whose street address in the City of Cleveland is 1105-17 East 105th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 109-16-001, 109-16-002, 109-16-003, 109-16-035, and 109-16-036, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublot Numbers 82, 83, and 88 in the Deming Realty Company's Allotment of part of Original One Hundred Acre Lot Number 378, as shown by the recorded plat in Volume 35 of Maps, Page 24 of Cuyahoga County Records, and all of Sublot Numbers 87, 153, and 154, and a part of a private alley, 15 feet wide, now vacated, in the Deming Realty Company's Grantwood Allotment of part of Original One Hundred Acre Lot Number 378, as shown by the recorded plat in Volume 37 of Maps, Page 12 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Grantwood Avenue, N. E., at the Southeast corner of Sublot Number 88 in the Deming Realty Company's Allotment, as recorded in Volume 35 of Maps, Page 24 of Cuyahoga County Records; thence Westerly along the Northerly line of said Grantwood Avenue, N. E., 140.08 feet to the Easterly end of the curved turnout between the Northerly line of said Grantwood Avenue, N. E., and the Easterly line of East 105th Street; thence Northwesterly along said curved turnout, 47.04 feet; thence Northerly along the Easterly line of said East 105th Street, 230.15 feet to the Southerly end of the curved turnout between the Easterly line of said East 105th Street and the Southerly line of Drexel Avenue, N. E.; thence Northeasterly along said curved turnout, 47.20 feet; thence Easterly along the Southerly line of said Drexel Avenue, N. E., 179.92 feet to the Northwesterly corner of Sublot Number 152 in the Grantwood Allotment; thence Southerly along the Westerly line of said Sublot Number 152 and the Southerly extension thereof, 168.55 feet to the centerline of said vacated private alley; thence Westerly along said centerline of said vacated private alley 40 feet to its point of intersection with the Northerly extension of the Easterly line of Sublot Number 88 in the Deming Realty Company's Allotment, as recorded in Volume 35 of Maps, Page 24 of Cuyahoga County Records; thence Southerly along said Northerly extension and along the Easterly line of said Sublot Number 88, 121.60 feet to the place of beginning, as appears by said plats, be the same more or less, but subject to all legal highways;

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

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

Passed October 29, 2012.

Effective November 9, 2012, without the signature of the Mayor.



**Ord. No. 1266-12.  
By Council Member Polensek.  
An emergency ordinance designating Freedom Christian Assembly Church, also known as Collinwood Christian Church, as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Freedom Christian Assembly Church, also known as Collinwood Christian Church, as a landmark; and

Whereas, the owner of Freedom Christian Assembly Church, also known as Collinwood Christian Church, has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of Freedom Christian Assembly Church, also known as Collinwood Christian Church, as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

**Section 1.** That Freedom Christian Assembly Church, also known as

Collinwood Christian Church, whose street address in the City of Cleveland is 765 East 154th Street, Cuyahoga County Auditor's Permanent Parcel Number is 115-21-066, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublots Numbers 58, 59, and 60 in W. F. Walworth's Subdivision of part of Original Euclid Township Lot Number 42 recorded in Volume 8, Page 7 of Cuyahoga County Map Records, said sublots having a total frontage of 150 feet on the easterly side of East 154th Street and being 160 feet deep according to said plat, be the same more or less, but subject to all legal highways;

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

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

Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 29, 2012.

Effective November 9, 2012, without the signature of the Mayor.

**COUNCIL COMMITTEE MEETINGS**

**Monday, November 12, 2012  
11:00 a.m.**

**Public Service Committee:** Present: Miller, Chair; Cummins, Vice Chair; Dow, Polensek, Pruitt, Sweeney. *Authorized Absence:* Cleveland, K. Johnson, Keane. Pro tempore: Kelley.

**2:00 p.m.**

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

**Wednesday, November 14, 2012  
10:00 a.m.**

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

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O—Ordinance; R—Resolution; F—File  
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Mason, William D. “ Bill ” — Appreciation (R 1624-12) .....	1780
Maxwell, Sarah L. — Condolence (R 1611-12) .....	1780
McClendon, Gladys Beatrice — Condolence (R 1610-12) .....	1780

**Ward 07**

Holiday Gift Card Food Program — Burten, Bell, Carr Development, Inc. — agreement — Community Development (Ward 07 NCF) (O 1601-12) .....	1790
Mason, William D. “ Bill ” — Appreciation (R 1624-12) .....	1780
St. Clair Ave., 6201 (1st Fl.) — stock application — liquor permit (F 1603-12) .....	1779

**Ward 08**

Community Development — Amendment to Contract No. 65607 with PLV Associates, L.P. — The rehabilitation of Park Lane Villa Apartments (O 1598-12) .....	1786
Cory United Methodist Church — East 105th St., 1105-17 — PPN 109-16-001 / 002/ 003/ 035/ 036 — designate as landmark — City Planning Commission (O 1262-12) .....	<b>1799</b>
Euclid Ave., 1846 — transfer ownership and location application — liquor permit (F 1605-12) .....	1779
Judson Manor — East 107th St., 1886-1922, Park Lane, N.E., 10604-26, Chester Ave., 10623-27 — PPN 119-20-019 / 020/ 021/ 033 — designate as landmark — City Planning Commission (O 1597-12) .....	1785
Park Lane Villa — Park Lane, N.E., 10500-28 and East 105th St., 1887-1913 — PPN 119-20-001 / 022 — designate as landmark — City Planning Commission (O 1596-12) .....	1785
Sarah Redman Apartments — East 99th St., 1269 — PPN 109-10-167 — designate as landmark — City Planning Commission (O 1595-12) .....	1785
Superior Ave., 5133 — new application — liquor permit (F 1604-12) .....	1779
Townsend, Marie — Congratulations (R 1617-12) .....	1780
University Circle United Methodist Church — East 107th St., 1905-29 and Chester Ave., 10725 — PPN 119-20-028 — designate as landmark — City Planning Commission (O 1594-12) .....	1784

**Ward 09**

Assault on Public Transit Workers (R 1557-12) .....	1799
Maxwell, Sarah L. — Condolence (R 1611-12) .....	1780

**Ward 11**

East 156th St., 406 — new application — liquor permit (F 1606-12) .....	1780
Freedom Christian Assembly Church (Collinwood Christian Church) — East 154th St., 765 — PPN 115-21-066 — designate as landmark — City Planning Commission (O 1266-12) .....	1800
Lorain Ave., 16700 — transfer ownership and location application — liquor permit (F 1609-12) .....	1780

**Ward 12**

Community Development — Subsidiary Additions — Contract No. CT 4004 PI 2011-044 with Fabrizi Trucking & Paving, Inc. — Morgana Run Subdivision Phase 1 Project (O 1592-12) .....	1784
Oryl, Lt. James (Badge #8335) — Congratulations (R 1623-12) .....	1780

**Ward 13**

Broadview Rd., 4744 — new application — liquor permit (F 1607-12) .....	1780
Mason, William D. “ Bill “ — Appreciation (R 1624-12) .....	1780

**Ward 14**

Trepal, Chris — Congratulations (R 1618-12) .....	1780
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**Ward 15**

Trepal, Chris — Congratulations (R 1618-12) .....	1780
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**Ward 16**

Trepal, Chris — Congratulations (R 1618-12) .....	1780
Willard Ave., 8804 & 8800 — PPN 005-29-003 / 004 — Land Reutilization Program — CMHA (O 1110-11) .....	1791-T

**Ward 17**

Lounds-Figueroa, Patrol Officer Marcia E. (Badge #364) — Condolence (R 1615-12) .....	1780
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**Ward 18**

Hong, M.D., Waun Ki — Congratulations (R 1620-12) .....	1780
Mason, William D. “ Bill “ — Appreciation (R 1624-12) .....	1780
Rucinski, Sylvia — Congratulations (R 1619-12) .....	1780
Theresa M. Loftus — Condolence (R 1616-12) .....	1780
Trepal, Chris — Congratulations (R 1618-12) .....	1780

**Ward 19**

Mason, William D. “ Bill “ — Appreciation (R 1624-12) .....	1780
Theresa M. Loftus — Condolence (R 1616-12) .....	1780
Triskett Rd., 13932 — stock application — liquor permit (F 1608-12) .....	1780