

# The City Record

Official Publication of the Council of the City of Cleveland



November the Thirteenth, Two Thousand and Thirteen

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	16920 Throckley Avenue	44128
2	Zachary Reed	3734 East 149th Street	44120
3	Joe Cimperman	P.O. Box 91688	44101
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Eugene R. Miller	13615 Kelso Avenue	44110
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Brian J. Cummins	3104 Mapledale Avenue	44109
15	Matthew Zone	1228 West 69th Street	44102
16	Jay Westbrook	1278 West 103rd Street	44102
17	Dona Brady	1272 West Boulevard	44102
18	Martin J. Sweeney	3632 West 133rd Street	44111
19	Martin J. Keane	15907 Colletta Lane	44111

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840

### MAYOR – Frank G. Jackson

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

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

#### DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

#### DIVISIONS:

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

**DEPT. OF PUBLIC UTILITIES** – Paul Bender, Director, 1201 Lakeside Avenue

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### OFFICES:

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

#### DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner  
 Park Maintenance and Properties – Richard L. Silva, Commissioner  
 Parking Facilities – Antionette Thompson, Interim Commissioner  
 Property Management – Tom Nagle, Commissioner  
 Recreation – Samuel Gissentaner, Interim Commissioner  
 Streets – \_\_\_\_\_, Commissioner  
 Traffic Engineering – Robert Mavec, Commissioner  
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner  
 Construction Permitting – Narid Hussain, Commissioner

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

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

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

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

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

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

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

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

**BOARD OF BUILDING STANDARDS AND BUILDING APPEALS** – Room 516, Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.F. Sullivan.

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

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

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

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

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

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

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

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

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

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

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

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

### Judge Courtroom

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 100

WEDNESDAY, NOVEMBER 13, 2013

No. 5214

## CITY COUNCIL

MONDAY NOVEMBER 11, 2013

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

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 11, 2013

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

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

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valerie J. McCall, Chief of Regional Development Chris Warren, Chief of Education Monyka S. Price, Chief of Communications Maureen Harper, and Directors Langhenry, Dumas, Bender, Smith, Butler, Cox, Rush, Rybka, Southerington, Brown, Fumich, Ambroz, and Interim Directors Vilkas and Daniely.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Ronald Lee, Calvary Congregational Church, Cleveland, Ohio (Ward 1). Pledge of Allegiance.

#### MOTION

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

#### OATHS OF OFFICE

**File No. 1486-13.**  
Alan Chonko — Captain of Police. Received.

**File No. 1487-13.**  
Ramon Kaloczi, Jr. — Lieutenant of Police. Received.

**File No. 1488-13.**  
Richard Sanders — Lieutenant of Police. Received.

**File No. 1489-13.**  
Robert Vilkas — Interim Director of Mayor's Office of Capital Projects. Received.

#### FROM OHIO DIVISION OF LIQUOR CONTROL

**File No. 1483-13.**  
RE: #76426390001 — Transfer of Location Application, D5 D6. SR Restaurant Corp., d.b.a. Rascal House Pizza, 1836 Euclid Avenue. (Ward 8). Received.

**File No. 1484-13.**  
RE: #26210170005 — New License Application, D5J. Fairfield Investments, LLC, 1302 Euclid Avenue. (Ward 3). Received.

**File No. 1485-13.**  
RE: #5546136 — Transfer of Ownership Application, D1 D2 D3 D6. Marjees, LLC, 3604 Superior Avenue. (Ward 8). Received.

**File No. 1490-13.**  
RE: #0083967 — Transfer of Location Application, D1 D2 D3. AJ Busters, LLC, 19610 S. Waterloo Road. (Ward 11). Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 1520-13**—Portia V. Bush.  
**Res. No. 1536-13**—Joyce Grimes-Harris.

**Res. No. 1537-13**—Charles A. "Arnie" de la Porte.

**Res. No. 1538-13**—Benjamin Franklin "Bennie" Marshall.

**Res. No. 1539-13**—Marian B. Powell.

**CONGRATULATIONS RESOLUTIONS**

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

**Res. No. 1540-13**—Neighborhood Connections — 10th Anniversary.

**APPRECIATION RESOLUTIONS**

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

**Res. No. 1541-13**—Scott C. Finerman.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 1491-13.**

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

An emergency ordinance authorizing the Directors of Public Works and Finance to employ one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Public Works and the Project Clean program and for the Department of Finance, for a period up to one year.

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 employ by contract or contracts one or more temporary employment agency or agencies 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 supply temporary and seasonal personnel for the Department of Public Works and the Project Clean program, for a period up to one year.

The selection of the agency or agencies shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified agencies available for employment as may be determined after a full and complete canvass by the Director of Public Works 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 Works, and certified by the Director of Finance.

**Section 2.** That the Director of Finance is authorized to employ by contract or contracts one or more temporary employment agency or agencies for the purpose of supplementing the regularly employed staff of the City of Cleveland to provide the professional services necessary to supply temporary and seasonal personnel for the Department of Finance, for a period up to one year.

The selection of the agency or agencies shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified agencies available for employment as may be determined after a full and complete canvass by the Director of Finance for the pur-

pose 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 Works, and certified by the Director of Finance.

**Section 3.** That the costs for the services contemplated shall be paid from funds appropriated for this purpose in budget year 2014.

**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.

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

**Ord. No. 1492-13.**

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

An emergency ordinance to name the un-named park roadway known as the Ansel Road ramp from Martin Luther King Jr Drive to Ansel Road to the name of St. Casimir Way.

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 Codified Ordinances of Cleveland, Ohio, 1976, the un-named park roadway known as the Ansel Road ramp from Martin Luther King Jr Drive to Ansel Road be named "St. Casimir Way."

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

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

**Ord. No. 1493-13.**

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

An emergency ordinance authorizing the Director of the Office of Capital Projects to issue a permit to encroach into the public right-of-way of Euclid Avenue and East 22nd Street by installing, using, and maintaining a utility duct bank.

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 Office of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Cleveland State University, 2121 Euclid Avenue, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public right-of-

way of Euclid Avenue and East 22nd Street by installing, using, and maintaining a utility duct bank containing a 10" chilled water supply and return piping, eight 5" conduits of which two contain medium voltage feeders and the remaining six are reserved for Permittee's future use, and twelve 4" conduits of which four contain cabling and fire alarm fiber and the remaining eight are reserved for Permittee's future use at the following described location:

**Encroachment Description**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of East 22nd Street and Euclid Avenue and being part of Original Ten Acre Lots Nos. 55, 56, 80, and 81 and being more fully bounded and described as follows:

Beginning at the intersection of the Westerly line of East 22nd Street (Width Varies) and the Southerly line of Euclid Avenue (99 feet wide), said point also being the Principal Place of Beginning for the encroachment herein described;

Course No. 1: thence South 81°33' 30" West along the said Southerly line of Euclid Avenue, a distance of 15.19 feet to a point thereon;

Course No. 2: thence North 08°41' 15" West, a distance of 99.02 feet to a point;

Course No. 3: thence North 81°16' 19" East, a distance of 37.00 feet to a point;

Course No. 4: thence South 08°02' 05" East, a distance of 48.55 feet to a point;

Course No. 5: thence North 82°03' 31" East, a distance of 9.69 feet to a point;

Course No. 6: thence South 08°38' 24" East, a distance of 119.38 feet to a point;

Course No. 7: thence North 80°54' 28" East, a distance of 18.02 feet to a point;

Course No. 8: thence South 09°19' 35" East, a distance of 13.47 feet to a point;

Course No. 9: thence South 80°55' 12" West, a distance of 18.40 feet to a point;

Course No. 10: thence South 08°31' 53" East, a distance of 76.23 feet to a point;

Course No. 11: thence North 80°53' 08" East, a distance of 17.24 feet to a point;

Course No. 12: thence South 09°53' 40" East, a distance of 19.02 feet to a point;

Course No. 13: thence South 81°19' 36" West, a distance of 33.78 feet to a point;

Course No. 14: thence South 08°39' 35" East, a distance of 32.83 feet to a point;

Course No. 15: thence South 82°42' 54" West, a distance of 15.00 feet to a point on the said Westerly line of East 22nd Street;

Course No. 16: thence North 08°29' 20" West along the said Westerly line of East 22nd Street, a distance of 209.98 feet to the Principal Place of Beginning, containing 0.245 acres, 10,677 square feet of land according to a survey by Atwell, LLC., and being the same more or less and being subject to all legal highways and easements.

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

That Permittee may assign the permit only with the prior written consent of the Director of the Office of

Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

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

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

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

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

**Ord. No. 1494-13.**  
**By Council Members Miller, Cleveland and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to K & D Enterprises, Inc. to encroach into the public right-of-way of Mulberry Street by installing, using, and maintaining a surface parking area.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to K & D Enterprises, Inc., 8383 Mentor Avenue, Mentor, Ohio 44060 ("Permittee"), to encroach into the public right-of-way of Mulberry Street by installing, using, and maintaining a parking area at the following location:

**Mulberry Street Encroachment Parcel C**

Situated in Original Brooklyn Township Lot 70 and now in The City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows:

Beginning at a 1 inch iron pin monument found at an angle point in Detroit Avenue, 66.00 feet wide, said monument being 26.97 feet easterly along the centerline of said Detroit Avenue from its intersection with the centerline of Riverbed Street;

Thence South 34 degrees 33 minutes 12 seconds West, 305.43 feet along the centerline of said Detroit Avenue to its intersection with the centerline of Mulberry street, 66.00 feet wide;

Thence North 35 degrees 13 minutes 43 seconds West, 35.17 feet to its intersection with the northerly line of said Detroit Avenue;

Thence North 34 degrees 33 minutes 12 seconds East along the northerly line of said Detroit Avenue, 15.16 feet to a Mag Nail set;

Thence North 40 degrees 23 minutes 46 seconds West, 81.80 feet to a Mag Nail set in the southerly line of Detroit Superior Viaduct, 80.00 feet wide, and being the principal place of beginning of the parcel herein described;

Thence South 39 degrees 50 minutes 28 seconds West, 41.26 feet along the southerly line of said Detroit Superior Viaduct to its intersection with the westerly line of said Mulberry Street;

Thence North 35 degrees 13 minutes 43 seconds West, 82.80 feet to its intersection with the northerly line of said Detroit Superior Viaduct;

Thence North 39 degrees 50 minutes 28 seconds East, 33.69 feet along the northerly line of said Detroit Superior Viaduct;

Thence South 40 degrees 23 minutes 46 seconds East, 10.00 feet passing over a Mag Nail set, a total distance of 81.18 feet to the principal place of beginning and containing 2,998 square feet or 0.0688 acres of land according to a survey by John M. Zaranec, Jr. P.S. 7126 for Zaranec Surveying Co. dated May 02, 2013.

The courses used in this description are based on O.M. 1127 and O.M. 1128 NAVD 88.

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

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

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

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

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

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

**Ord. No. 1495-13.**  
**By Council Members Miller, Cleveland and Kelley (by departmental request).**  
**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Playhouse Square Foundation to encroach into the public rights-of-way of Euclid Avenue, Huron Road, and East 14th Street by installing, using, and maintaining four gateways and a chandelier.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to the Playhouse Square Foundation, 1501 Euclid Avenue, Suite 200, Cleveland, Ohio, 44115 ("Permittee"), to encroach into the public rights-of-way of Euclid Avenue, Huron Road, and East 14th Street by installing, using, and maintaining four gateways and a chandelier at the following locations:

**FOUNDATION LOCATION TABLE**

Item	Street	Pole Foundation Station and offset		
Gateway 1	Huron Road	Pole 1	3 + 02.08	21.88 right
		Pole 2	2 + 93.22	26.99 left
Gateway 2	Euclid Avenue	Pole 3	123 + 30.28	29.92 right
		Pole 4	123 + 30.28	34.89 left
Gateway 3	East 14th Street	Pole 5		
Gateway 4	Euclid Avenue	Pole 6	4 + 82.14	21.74 left
		Pole 7	134 + 09.77	37.57 right
		Pole 8	134 + 11.2	32.43 left

Chandelier	Euclid Avenue	Pole 9	129 + 20.77 43.44 right
		Pole 10	128 + 22.09 39.99 right
		Pole 11	128 + 71.46 33.07 left

Note: Stationing used Euclid Corridor Transportation Project Plans

<u>Pole #</u>	<u>Northing</u>	<u>Easting</u>	<u>Description</u>
1	68762.30	91849.26	Huron Road and Prospect Avenue - South
2	68797.41	91814.13	Huron Road and Prospect Avenue - North
3	69193.65	92097.46	Euclid Avenue and East 13th Street - South
4	69257.31	92085.31	Euclid Avenue and East 13th Street - North
5	68894.36	92841.34	East 14th Street and Prospect Avenue - West
6	68934.09	92904.87	East 14th Street and Prospect Avenue - East
7	69371.50	93160.98	Euclid Avenue and East 17th Street - South
8	69440.87	93151.50	Euclid Avenue and East 17th Street - North
9	69289.55	92678.87	Euclid Avenue and East 14th Street - Southeast
10	69275.95	92582.44	Euclid Avenue and East 14th Street - Southwest
11	69356.97	92617.24	Euclid Avenue and East 14th Street - North
12	69321.99	92621.65	Center - Chandelier

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

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

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

**Section 4.** That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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

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

**Ord. No. 1496-13.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to exercise the first option to renew Contract No. MA 1505-RC 2010-139 with Ohio Garment Rental, dba Coyne Textile Services, Inc. to provide the rental and laundry of work clothing for the various divisions of City government.**

Whereas, under the authority of Ordinance No. 666-10, passed May 24, 2010, the Director of Finance entered into Contract No. MA 1505-RC 2010-139 with Ohio Garment Rental, dba Coyne Textile Services, Inc. to provide the rental and laundry of work clothing for the various divisions of City government; and

Whereas, Ordinance No. 666-10 requires further legislation before exercising the first option to renew on this 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 Finance is authorized to exercise the first option to renew Contract No. MA 1505-RC 2010-139 for an additional year, in the approximate amount of \$199,999.50, with Ohio Garment Rental, dba Coyne Textile Services, Inc. for the requirements to provide the rental and laundry of work clothing for the various divisions of City government. This ordinance constitutes the additional legislative authority required by Ordinance No. 666-10 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 Finance, Law; Committee on Finance.

**Ord. No. 1497-13.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Human Resources to employ one or more professional consultants for services necessary to provide group medical, dental, prescription, vision, and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, for a period up to one year, with two one-year options to renew, exercisable by the Director of Human Resources.**

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 Human Resources is authorized to enter into one or more contracts in order to provide professional services necessary to provide group medical, dental, prescription, vision, and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits under Internal Revenue Code Section 125 for City of Cleveland

employees, for a period up to one year, with two one-year options to renew, exercisable by the Director of Human Resources.

The selection of the carriers shall be made by the Board of Control on the nomination of the Director of Human Resources from a list of qualified carriers as may be determined after a full and complete canvass by the Director of Human Resources for the purpose of compiling a list. The cost to be paid for the contracts 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 Human Resources, and certified by the Director of Finance.

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

**Section 3.** That the cost of the contract or contracts authorized shall be paid from funds appropriated in budget year 2014 for this purpose.

**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 Human Resources, Finance, Law; Committee on Finance.

**Ord. No. 1498-13.**

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

**An emergency ordinance determining the method of making the public improvement for the grinding of pavement for the local resurfacing of city streets and authorizing**

**the Director of Public Works to enter into one or more public improvement requirement contracts for the making of the improvement, for a period up to eighteen months.**

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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement for the grinding of pavement for the local resurfacing of city streets, for the Division of Streets, Department of Public Works, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

**Section 2.** 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 a period of up to eighteen months for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets, 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 3.** That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, and 20 SF 554 and shall also 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. (RQN 7016, RL 2013-33)

**Section 4.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of 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 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 Public Works, City Planning Commission, Finance, Law; Committees on Public Service, Finance.

**Ord. No. 1499-13. By Council Members Miller and Kelley (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts for contingency services for the disposal of municipal solid waste, for the Division of Waste Collection and Disposal, 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 one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of contingency services for the disposal of municipal solid waste to various approved and certified transfer facilities and landfills, in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Works is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Works by comparing the bids received for both terms.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Works.

**Section 2.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Works. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

**Section 3.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on

order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 7013, RL 2013-46)

**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.

**BID GUARANTY AND CONTRACT BOND**

KNOW ALL MEN BY THESE PRESENTS, that we the \_\_\_\_\_

\_\_\_\_\_  
(Name and Address)  
as Principal and \_\_\_\_\_

\_\_\_\_\_  
(Name of Surety)  
as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on \_\_\_\_\_ (date) to undertake the project known \_\_\_\_\_

The penal sum referred to herein shall be \_\_\_\_\_

\_\_\_\_\_. For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project:

NOW, THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and

every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

PRINCIPAL: \_\_\_\_\_ SURETY: \_\_\_\_\_

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
Attorney-in-Fact

TITLE: \_\_\_\_\_

SURETY COMPANY ADDRESS:

Street

City State ZIP

SURETY AGENT'S ADDRESS:

Agency Name

Street

City State ZIP

"Exhibit A"

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

**Ord. No. 1500-13.**  
**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of medical supplies and equipment, for the various divisions of City government, for a period of one year, with one option to renew for an additional one year period, exercisable by the Director of Finance.**

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 Finance 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 a period of one year, with one option to renew for an additional one year period, exercisable by the Director of Finance, of the necessary items of medical supplies and equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 1505, RL 2013-45)

**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 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 Finance, Law; Committee on Finance.

**Ord. No. 1501-13.**  
**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of miscellaneous-sized steel plates, for the various divisions of City government, for a period of one year, with one option to renew for an additional one year period, exercisable by the Director of Finance.**

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 Finance 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 term of one year, with one option to renew for

an additional one year period, exercisable by the Director of Finance, for the necessary items of miscellaneous-sized steel plates in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 1505, RL 2013-44)

**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 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 Finance, Law; Committee on Finance.

**Ord. No. 1508-13.**  
**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. PS 2012-15 with Inland Waters of Ohio, Inc., an Ohio corporation, to provide services relating to mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors.**

Whereas, under the authority of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, and Ordinance No. 1435-11, passed October 31, 2011, the Director of Port Control entered into Contract No. PS 2012-15 with Inland Waters of Ohio, Inc., an Ohio corporation, to provide services relating to mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors; and

Whereas, Ordinance No. 499-10, as amended by Ordinance No. 1624-10, and Ordinance No. 1435-11, requires further legislation before exercising the first option to renew on this contract; and

Whereas, this ordinance constitutes an emergency measure provid-



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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. PS 2012-15 for an additional year with Inland Waters of Ohio, Inc., an Ohio corporation, to provide services relating to mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors. This ordinance constitutes the additional legislative authority required by Ordinance No. 499-10, as amended by Ordinance No. 1624-10, and Ordinance No. 1435-11, 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. 1509-13.**

**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. PS 2012-41 with Michael Baker Jr., Inc. to provide Master Storm Water Management Services in support of environmental programs at Cleveland Hopkins International Airport and Burke Lakefront Airport.**

Whereas, under the authority of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, and Ordinance No. 1435-11, passed October 31, 2011, the Director of Port Control entered into Contract No. PS 2012-41 with Michael Baker Jr., Inc. to provide Master Storm Water Management Services in support of environmental programs at Cleveland Hopkins International Airport and Burke Lakefront Airport; and

Whereas, Ordinance No. 499-10, as amended by Ordinance No. 1624-10, and Ordinance No. 1435-11, requires further legislation before exercising the first option to renew on this 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. PS 2012-41 for an additional year in the amount of \$150,000, with Michael Baker Jr., Inc. to provide Master Storm Water Management Services in support of environmental programs at Cleveland Hopkins International Airport and Burke Lakefront Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 499-10, as amended by Ordinance No. 1624-10, and Ordinance No. 1435-11, to exercise this option, payable from Fund Nos. 60 SF

001, 60 SF 104, 60 SF 106, 60 SF 126, 60 SF 141, and from the fund or sub funds to which are credited any grants or federal PFCs, if authorized for this purpose. (RQS 3001, RL 2013-163)

**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. 1510-13.**

**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. PS 2012-50 with Chemtron Corporation, an Ohio corporation, to provide services relating to mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors.**

Whereas, under the authority of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, and Ordinance No. 1435-11, passed October 31, 2011, the Director of Port Control entered into Contract No. PS 2012-50 with Chemtron Corporation, an Ohio corporation, to provide services relating to mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors; and

Whereas, Ordinance No. 499-10, as amended by Ordinance No. 1624-10, and Ordinance No. 1435-11, requires further legislation before exercising the first option to renew on this 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. PS 2012-50 for an additional year with Chemtron Corporation, an Ohio corporation, to provide services relating to mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors. This ordinance constitutes the additional legislative authority required by Ordinance No. 499-10, as amended by Ordinance No. 1624-10, and Ordinance No. 1435-11, 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. 1511-13.**

**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. ST 2012-1 with Team Eagle, Ltd., dba Eagle Integrated Solutions to provide for a Global Positioning System/Geographic Information System Airfield Management System for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 1711-08, passed September 22, 2008, as amended by Ordinance No. 1341-11, passed October 31, 2011, the Director of Port Control entered into Contract No. ST 2012-1 with Team Eagle, Ltd., dba Eagle Integrated Solutions to provide for a Global Positioning System / Geographic Information System Airfield Management System for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 1711-08, as amended by Ordinance No. 1341-11, requires further legislation before exercising the first option to renew on this 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. ST 2012-1 for an additional year with Team Eagle, Ltd., dba Eagle Integrated Solutions to provide for a Global Positioning System / Geographic Information System Airfield Management System for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 1711-08, as amended by Ordinance No. 1341-11, 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. 1512-13.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Frontier Airlines, Inc. for the use and occupancy of certain space located in Concourse "A" in the passenger terminal building at Cleveland Hopkins International Airport, Department of Port Control, for a period of two years, with three one-year options to renew, the last of which requires additional legislative authority.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Frontier Airlines, Inc. ("Lessee") for use and occupancy of approximately 316 square feet of space located in Concourse "A" in the passenger terminal building at Cleveland Hopkins International Airport ("Leased Premises"). The Leased Premises shall be used to provide ramp and passenger services to support flight activities. The term of the Lease shall be for a period of two years, with three one-year options to renew, the last of which requires additional legislative authority. For use of the Leased Premises, Lessee shall pay the City an annual rate of \$66,167.24, payable in monthly installments of \$5,513.94, which is based upon a square-foot rate of \$209.39.

**Section 2.** The Lease authorized by this ordinance shall be prepared by the Director of Law.

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

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

**Ord. No. 1513-13.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Servisair USA, Inc. for the use and occupancy of certain space located in the North Cargo Facility Building at Cleveland Hopkins International Airport, Department of Port Control, for a period of six months, with one option to renew for an additional six-month period, exercisable by the Director of Port Control.**

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 enter into a Lease Agreement ("Lease") with Servisair USA, Inc. ("Lessee") for use and occupancy of approximately 3,675 square feet of space located in the North Cargo Facility Building at Cleveland Hopkins International Airport ("Leased Premises"). The Leased Premises shall be used for the operation of an air cargo facility. The term of the Lease shall be for a period of six months, with one option to renew for an additional six-month period, exercisable by the Director of Port Control. For use of the Leased Premises, Lessee shall pay the City an annual rate of \$25,725.00, payable in monthly installments of \$2,143.75, which is based upon a square-foot rate of \$7.00.

**Section 2.** The Lease authorized by this ordinance shall be prepared by the Director of Law.

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

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

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

**Ord. No. 1514-13.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Standard Parking for the use and occupancy of certain space located near the upper roadway curbside check-in area on the far north side of the Passenger Terminal Building at Cleveland Hopkins International Airport, Department of Port Control, for a period of two years, with three one-year options to renew, the last of which requires additional legislative authority.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Standard Parking ("Lessee") for use and occupancy of approximately 170 square feet of space located near the upper roadway curbside check-in area on the far north side of the Passenger Terminal Building at Cleveland Hopkins International Airport ("Leased Premises"). The Leased Premises shall be used to support the valet parking services at Cleveland Hopkins International Airport. The term of the Lease shall be for a period of two years, with three one-year options to renew, the last of which requires additional legislative authority. For use of the Leased Premises, Lessee shall pay the City an annual rate of \$31,043.76 payable in monthly installments of \$2,586.98.

**Section 2.** The Lease authorized by this ordinance shall be prepared by the Director of Law.

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

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

**Ord. No. 1515-13.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with United Airlines for the use and occupancy of certain space located in the South Cargo Facility Building at Cleveland Hopkins International Airport, Department of Port Control, for a period of two years, with three one-year options to renew, the last of which requires additional legislative authority.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with United Airlines ("Lessee") for use and occupancy of approximately 21,371 square feet of space located in the South Cargo Facility Building at Cleveland Hopkins International Airport ("Leased Premises"). The Leased Premises shall be used for the operation of an air cargo facility. The term of the Lease shall be for a period of two years, with three one-year options to renew, the last of which requires additional legislative authority. For use of the Leased Premises, Lessee shall pay the City an annual rate of \$149,597.00, payable in monthly installments of \$12,466.42, which is based upon a square-foot rate of \$7.00.

**Section 2.** The Lease authorized by this ordinance shall be prepared by the Director of Law.

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

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

**Ord. No. 1516-13.**

**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 to provide services relating to inventory operations, warehouse management, and implementing industry best practices, for the Department of Port Control, for a period of one year, with a one-year option to renew, exercisable by the Director of Port Control.**

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 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 provide services relating to inventory operations, warehouse management, and implementing industry best practices, for the Department of Port Control, for a period of one year, with a one-year option to renew, exercisable by the Director of Port Control.

The selection of the consultants 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 compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 126, 60 SF 141, and from the fund or sub funds to which are credited any grants or PFCs, if authorized for this purpose, Request No. RQS 3001, RL 2013-164.

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

**Ord. No. 1517-13.**

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

**An emergency ordinance authorizing the Director of Port Control to employ one or more surveyors and appraisers or one or more firms of surveyors and appraisers to provide professional services necessary to survey and appraise real and/or personal property, rights of way and/or easements and other interests in real property, on an as-needed basis.**

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 surveyors or one or more firms of surveyors 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 survey real and/or personal property, rights of way and/or easements as required by the various divisions of the Department of Port Control, as directed by the Director of Port Control, on an as-needed basis.

**Section 2.** That the Director of Port Control is authorized to employ by contract or contracts one or more real estate appraisers or one or more firms of real estate appraisers 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 appraise real and/or personal property, rights of way and/or easements as required by the various divisions of the Department of Port Control, as directed by the Director of Port Control, on an as-needed basis.

**Section 3.** The selection of the surveyors and real estate appraisers 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 surveyors and real estate appraisers available for employment as may be determined after a full and complete canvass by the Director of Port Control for the

purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 4.** That the aggregate cost of contract or contracts authorized by this ordinance shall not exceed \$50,000 and shall be paid from Fund No. 60 SF 001, RQS 3001, RL 2013-162.

**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. 1518-13.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire properties presently owned by the County of Cuyahoga, Ohio, located at and around 1219 Ontario Street, Cleveland, and to convey said properties to the Cleveland-Cuyahoga County Port Authority, for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code; and authorizing an agreement with the County and the Port Authority.**

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire from the County of Cuyahoga, Ohio ("County") and to convey to the Cleveland-Cuyahoga County Port Authority ("Port Authority") for a price of one dollar and other valuable considerations determined as fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being all of Parcel "C" and part of Parcel "D" in the Plat of Survey, Consolidation and Partition for The County of Cuyahoga, Ohio of part of Original Two Acre Lots, Nos. 37, 38 and 39 as shown by the recorded plat in Volume 365 of Maps, Page 02 of Cuyahoga County Records and is further bounded and described as follows:

Beginning at the intersection of the Northeastern right of way line of Ontario Street (99 feet wide) with the Southeastern right of way line of Lakeside Avenue N.E. (99 feet wide),

the same being the Northwestern corner of said Parcel "C";

Course 1:

Thence North 55°-52'-41" East, along said Southeastern right of way line of Lakeside Avenue N.E., a distance of 348.26 feet to a point distant 75.00 feet Northeastern measured along said Southeastern right of way line from the Northeastern corner of said Parcel "C";

Course 2:

Thence South 34°-17'-38" East, parallel with the Northeastern line of said Parcel "C", a distance of 307.65 feet to the intersection with the Northeastern prolongation of the Southeastern line thereof;

Course 3:

Thence South 55°-42'-22" West, along said Northeastern prolongation and Southeastern line thereof, a distance of 349.56 feet to the Southwestern corner of said Parcel "C" and the aforesaid Northeastern right of way line of Ontario Street;

Course 4:

Thence North 34°-03'-06" West, along said Northeastern right of way line of Ontario Street, a distance of 308.70 feet to the place of beginning and containing 2.4684 Acres (107,525 Square Feet) of land.

Be the same more or less, but subject to all legal highways and easements of record.

**Section 2.** That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the properties.

**Section 3.** That this Council finds that the conveyances constitute a public purpose.

**Section 4.** That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

**Section 5.** That the Director of Economic Development is authorized to enter into an agreement with the County and the Port Authority which shall include the terms and conditions of the transaction authorized by 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 Economic Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

**Ord. No. 1519-13.**

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

**An emergency ordinance authorizing execution of a cooperative agreement with the Cleveland-Cuyahoga County Port Authority and County of Cuyahoga, Ohio relating to the financing, construction, own-**

**ership and operation of a public hotel to be built on land adjacent to the Convention Center and to provide for the construction of certain other public improvements to connect various public and private spaces in downtown Cleveland, authorizing contribution of various City funding sources and authorizing and approving related matters.**

Whereas, the City is engaged in various urban redevelopment activities for the development and improvement of downtown Cleveland, including certain activities in support of the Connecting Cleveland 2020 Plan, the Cleveland Downtown Lakefront Plan and the report of the group Plan Commission; and

Whereas, the City, the County of Cuyahoga, Ohio (the "County") and the Cleveland-Cuyahoga County Port Authority (the "Port Authority") desire to undertake certain cooperative arrangements as are necessary and appropriate to provide for (1) the financing, construction, ownership and operation of a public hotel to be built on publicly-owned land adjacent to the Global Center for Health Innovation and Cleveland Convention Center and the City's Mall B, and (ii) the construction of certain public improvements to enhance connection with various public and private spaces in downtown Cleveland (collectively, the "Project"); and

Whereas, the County, the City and the Port Authority anticipate that their cooperative activities will include the conveyance and leasing of real property, the financing of improvements secured by lease payments, the contribution of certain funds of each of the City and the County for those activities, the implementation of tax increment financing, and other cooperative activities; and

Whereas, the City intends to enter into a Cooperative Agreement among the City, the County and the Port Authority ("Cooperative Agreement") to implement the Project and in furtherance of Public Purposes described herein; 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. Determinations by Council.** This Council finds and determines as follows:

**Public Purpose.** The Council finds that cooperative activities detailed in the Cooperative Agreement will support and enhance the City's downtown urban redevelopment activities, provide for the construction and management of public facilities, and foster the City's plan to energize areas from Public Square to the lakefront with various public improvements to connect public and private spaces.

**Section 2. City Contributions.** Consistent with the Cooperative Agreement. The Director of Finance is authorized to remit the following funds if conditions set forth in this Ordinance and in the Cooperative Agreement executed pursuant to this Ordinance are met:

1. Amounts received by the City or its designee from payments in lieu of

taxes paid with respect to the hotel property.

2. The City Transient Occupancy Tax in an amount not to exceed \$1 million per year, equivalent to the City Transient Occupancy Tax collected on the hotel to be built adjacent to the convention center, provided that the interest on the certificates of participation described in the Cooperative Agreement is exempt from federal income tax while those certificates are outstanding, subject to annual appropriation.

3. A portion of the City's proposed Subordinate Lien Income Tax Bonds, Series 2014, not to exceed \$8 million, to improve publicly-owned facilities for the issuance of government functions, but only if the City's Charter requirements have been complied with and upon receipt of evidence of expenditures by the County for purposes appropriate for reimbursement by bond proceeds.

**Section 3. Authorization of Cooperative Agreement; Additional Documents.** The Director of Finance, and the Director of Economic Development are authorized, in the name and on behalf of the City and on a date those officers deem appropriate, to sign and deliver the Cooperative Agreement, approved as to form by the Director of Law, substantially in the form in File No. 1519-13-A, together with such changes that are not adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that the Cooperative Agreement is not adverse to the City shall be conclusively evidenced by the signing and delivery of that Cooperative Agreement by those officers.

The Mayor, the Director of Economic Development, the Director of Finance, the Clerk, the Director of Law and other City officials are authorized to sign and deliver and accept delivery of such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance and the Cooperative Agreement.

The Mayor, the Director of Economic Development, the Director of Finance, the Director of Law and other City officials, as appropriate, are authorized to make the necessary arrangements on behalf of the City to accomplish those acts contemplated in the Cooperative Agreement. The Clerk of Council or other appropriate official of the City shall furnish a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the authorization of the Cooperative Agreement.

**Section 4. Interpretation.** Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to matters authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, certificates of indebtedness, other obligations, indentures, or other agreements or contracts made or entered into by the City.

**Section 5. Validity.** It is found and determined, and is hereby represented and recited, that all applicable pro-

visions 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 6. Severability.** Each section of this Ordinance and each subdivision or paragraph of any section is hereby declared to be independent, and the finding or holding of any section or any subdivision or paragraph of any section to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Ordinance.

**Section 7. Compliance with Open Meeting Law.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all applicable legal requirements.

**Section 8. Emergency.** 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, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

**Ord. No. 1521-13.**

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

**An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with Gershman, Brickner & Bratton, Inc. to provide professional services necessary to assist the City in preparing RFPs for a long-term waste recycling and disposal system, 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 enter into one or more contracts with Gershman, Brickner & Bratton, Inc. ("G&B") for professional services necessary assist the City in preparing RFPs for a long-term waste recycling and disposal system, in the total sum of \$170,200, for the Department of Public Works. The contract or contracts shall be paid from Fund No. 01-7013-6380, Request No. RQS 7013, RL 2013-168.

**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 Service, Finance.

**Ord. No. 1522-13.  
By Council Members Brancatelli  
and Kelley (by departmental  
request).**

**An emergency ordinance authorizing the Director of Community Development to apply for and accept up to two grants from the United States Department of Housing and Urban Development for the Healthy Homes Grant and either the Lead Hazard Reduction Demonstration Grant or the Lead Hazard Control Grant; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services; authorizing the purchase or lease of television and radio advertising time and other media; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.**

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

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

**Section 1.** That the Director of Community Development is authorized to apply for and accept a grant in an amount up to \$2,000,000, and any other funds that may become available during the grant term, from the United States Department of Housing and Urban Development to conduct the Healthy Homes Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file below.

**Section 2.** That the Director of Community Development is authorized to apply for and accept a grant in an amount up to \$3,000,000, and any other funds that may become available during the grant term, from the United States Department of Housing and Urban Development to conduct either the Lead Hazard Reduction Demonstration Grant or the Lead Hazard

Control Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below.

**Section 3.** That the executive summary for the grants, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1522-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

**Section 4.** That the Director of Community Development shall have the authority to extend the term of the grant during the grant term.

**Section 5.** That the Director of Community Development shall deposit the grants 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 6.** That the Director of Community Development 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 terms of the necessary items of materials, equipment, supplies, and services necessary to implement the grants as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Community Development. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 7.** 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 8.** 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 Community Development 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 9.** That the Director of Community Development is authorized to enter into one or more contracts with various agencies, entities, or individuals to implement the grants as described in the file.

**Section 10.** That the Director of Community Development is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase or lease, during the grant terms, of television and radio advertising time and other media, for the Department of Community Development.

**Section 11.** 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 12.** 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. 1523-13.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.**

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 Finance is authorized to pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund:

<b>Claimant:</b>	<b>Claim No.</b>	<b>Amount</b>	<b>Division</b>	<b>Fund</b>
<b>CLEVELAND MUNICIPAL COURT</b>				
Harris, Barbara	12472	\$ 189.69	Clerks Office	01-011601-672000
<b>DEPARTMENT OF PUBLIC SAFETY:</b>				
Benitez, Jose	12485	\$ 479.00	Corrections	01-600700-672000
Gaston, Joseph	12507	\$ 581.00	Corrections	01-600700-672000
Lange, Nicholas	12473	\$ 906.11	Corrections	01-600700-672000
Hill, Ayana	12492	\$ 235.00	Police	01-600200-672000
Williams, Walter	12488	\$ 500.00	Police	01-600200-672000
Jones, Timothy P.	12510	\$1,023.00	Police	01-600200-672000

DEPARTMENT OF PUBLIC WORKS

Correno, Claudio	12493	\$ 500.00	Streets	01-701601-672000
Foster, Errol	12500	\$50.00	Waste	01-701301-672000
DeJernette, Ricky	12502	\$ 311.29	Vacant Lots	01-701205-672000
Shepherd, Teresa	12495	\$ 250.00	Vacant Lots	01-701205-672000

DEPARTMENT OF PUBLIC UTILITIES

Katherine M. Kirtley	5931	\$ 755.00	Water Pollution Control 54 SF 001
Sanford C. Pierce Jr.	5971	\$ 755.00	Water Pollution Control 54 SF 001
Will Hamlet Jr.	6116	\$ 285.00	Water Pollution Control 54 SF 001

**Section 2.** That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

**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 Finance, Law; Committee on Finance.

FIRST READING ORDINANCE REFERRED

Ord. No. 1524-13.

By Council Member Westbrook.

An ordinance changing the Use District of lands on the south side of Madison Avenue east of W. 98th Street to Local Retail Business from Multi-Family Residential (Map Change No. 2466).

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

**Section 1.** That the Use District of lands bounded and described as follows:

Beginning at the centerline of Madison Avenue at its intersection with the northerly prolongation of the westerly line of Sublot No. 5 in the G.W. Fackler & S.W. Johnson Allotment shown on the recorded plat in Volume 8, Page 25 of Cuyahoga County Map Records;

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

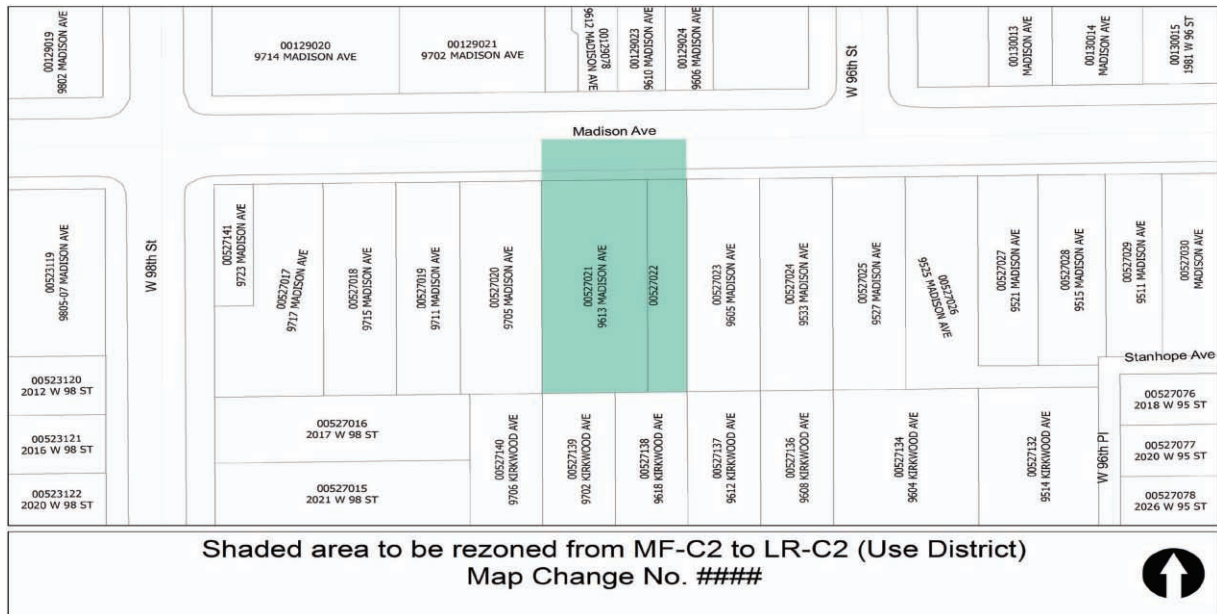
Thence easterly along said southerly line of Sublot No. 5 and along its easterly prolongation to its intersection with the easterly line of Sublot No. 6 in the G.W. Fackler & S.W. Johnson Allotment shown on the recorded plat in Volume 8, Page 25 of Cuyahoga County Map Records;

Thence northerly along said easterly line and along its northerly prolongation to its intersection with the centerline of Madison Ave;

Thence westerly along said centerline of Madison Ave to its intersection with the principal place of beginning; and as shaded on the attached map is changed to a Local-Retail Business District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2466, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

**FIRST READING EMERGENCY  
RESOLUTIONS REFERRED**

**Res. No. 1502-13.**

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

**An emergency resolution declaring the intent to vacate a portion of Logan Court N.E.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Logan Court N.E., as described; and

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

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

**Section 1.** That this Council declares its intent to vacate a portion of the following described real property:

The southerly 8.00 feet of Logan Court N.E. (40.00 feet wide)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio of part of original 100 acre lot 401 and being the southerly 8.00 feet of Logan Court N.E. (40.00 feet wide) extending easterly from the east right of way of East 97th Street (56.00 feet wide) to its easterly terminus.

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

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

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

**Res. No. 1503-13.**

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

**An emergency resolution declaring the intent to vacate a portion of Mulberry Street N.W. (66.0 feet wide).**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Mulberry Street N.W., as described; and

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

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

**Section 1.** That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all that portion of Mulberry Street N.W. (66.0 feet wide) extending southeasterly from the southeasterly right of way of the Detroit Superior Viaduct (80 feet wide) as shown in volume 11 page 46 of Cuyahoga County Map Records to the northwesterly right of way of Detroit Avenue N.W. (66.0 feet wide).

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

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

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

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

**Ord. No. 1504-13.**

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

**An emergency ordinance to repeal Ordinance No. 871-13, passed July 10, 2013, and Ordinance No. 1242-13, passed October 7, 2013, relating to authorizing a Tax Increment Financing Agreement with Geis Companies, or its designee, to provide for the redevelopment of the Ameritrust complex.**

Whereas, Ordinance No. 871-13, passed July 10, 2013, authorized a Tax Increment Financing Agreement with Geis Companies, or its designee, to provide for the redevelopment of the Ameritrust complex; and

Whereas, Ordinance No. 1242-13, passed October 7, 2013, amended Ordinance No. 871-13; and

Whereas, in order to repeal Ordinance No. 871-13 in its entirety, Ordinance No. 1242-13 also needs to be repealed; 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 Ordinance No. 871-13, passed July 10, 2013, and Ordinance No. 1242-13, passed October 7, 2013, are repealed.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1505-13.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Geis Companies, or its designee, or others, and a Cooperative Agreement by and among the City, the Geis Companies, or its designee, the Cleveland-Cuyahoga County Port Authority (the "Authority") for Bonds to be issued by the Authority (the "Bonds"), and The Hunting-**

**ton National Bank, or Trustee, to provide for redevelopment of the Ameritrust complex located at 900-916 Euclid Avenue, 1010 Euclid Avenue, 2017 East 9th Street, and 2123 East 9th Street; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.**

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

Whereas, under the authority of Ordinance No. 789-13, passed May 20, 2013, and prior to the passage of this ordinance, the City approved and completed both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

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

Whereas, the Real Property will be improved according to the Blight Study, Redevelopment Plan, Legislative Summary, Estimated Project Budget as applicable, copies of all of which have been placed in File No. 1505-13-A; and

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

Whereas, under Section 5709.41 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt, and the Cooperative Agreement will require such owners to also make supplemental payments ("Minimum Payments") required to pay debt service on the Bonds; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvement not been exempt; and

Whereas, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

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

**Section 2.** That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 30 years; and that in no event shall the exemption period extend beyond 2043.

**Section 3.** That Redeveloper (or the owners of the Improvements) shall make service payments for a period of 30 years in lieu of the exempt taxes to the Cuyahoga County Treasurer, under Section 5709.41 of the Revised Code, and Minimum Payments to the Disbursing Agent (as defined in the Cooperative Agreement); the service payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation, and the Minimum Payments shall be paid directly by the Redeveloper (or the owners of the

Improvements) to the Disbursing Agent as set forth in the Cooperative Agreement.

**Section 4.** That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation, with the balance of such service payments being deposited in the fund established pursuant to Section 6 of this ordinance.

**Section 5.** That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper and other parties to provide for the exemption, service payments and Minimum Payments described in this ordinance, and for the issuance of the Bonds, including, without limitation, the Cooperative Agreement and other agreements securing the payments described in Section 3 of this ordinance, which agreement or agreements shall contain those terms contained in the file mentioned above. The Director of Economic Development is further authorized to enter into an agreement with the Cuyahoga County Treasurer relating to the sale of tax liens on the Real Property.

**Section 6.** That under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment Tax Increment Equivalent Fund (the

"TIF Fund") into which shall be deposited service payments in lieu of taxes not required to be paid to the District under Section 4 of this ordinance. The service payments in lieu of taxes deposited in the TIF Fund shall be used for the purpose of paying principal, interest, and related fees and costs of the Bonds or for other economic development purposes as determined by the Director of Economic Development.

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

**Section 8.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1506-13.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance approving the collective bargaining agreement with the International Association of Machinists and Aerospace Workers, District Council 54, Local 439; and amending Section 17 of Ordinance No. 1689-11, passed November 28, 2011, relating to compensation for various classifications.**

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 under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the International Association of Machinists and Aerospace Workers, District Council 54, Local 439, under the terms contained in File No. 1506-13-A, for the period from April 1, 2013 through March 31, 2016, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
1%	April 1, 2013
2%	April 1, 2014
2%	April 1, 2015

\* Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

**Section 2.** That Section 17 of Ordinance No. 1689-11, passed November 28, 2011, is amended to read as follows:

**Section 17. International Association of Machinists and Aerospace Workers, District Council 54, Local 439.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Machinist.....	\$15.83	\$23.52
2. Machinist Helper.....	\$13.72	\$19.72

**Section 3.** That existing Section 17 of Ordinance No. 1689-11, passed November 28, 2011, is repealed.

**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.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.



**Ord. No. 1507-13.**  
**By Council Members Brady, Sweeney, Keane, Miller and Kelley (by departmental request).**

**An emergency ordinance giving final consent of the City of Cleveland to the State of Ohio for the rehabilitation of Triskett Avenue from Lorain Avenue to West 117th Street and the rehabilitation of Warren Road from Munn Road to Lorain Avenue; authorizing the Director of Capital Projects to enter into contracts with the State of Ohio; and causing payment to the State of Ohio for the City's share of the improvement.**

Whereas, under Ordinance No. 1703-12, passed December 3, 2012 this Council authorized the City of Cleveland to cooperate with the Director of Transportation for the rehabilitation of Triskett Avenue from Lorain Avenue to West 117th Street and the rehabilitation of Warren Road from Munn Road to Lorain Avenue (the "Improvement"); and

Whereas, the City shall cooperate with the Ohio Director of Transportation in the above described project by assuming and bearing one hundred percent (100%) of the entire cost of the Improvement, less the amount of Federal-aid NOACA funds set aside by the Director of Transportation for the financing of this Improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State, and

Whereas, the share of the City's cost of the Improvement is now estimated to be \$1,233,966, but may be adjusted when the percentages of actual costs are determined; and

Whereas, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement; and

Whereas, the Ohio Director of Transportation has approved the legislation proposing cooperating and has caused to be made plans and specifications and an estimate of costs and expense for the Improvement and has transmitted copies of the same to this legislative authority; and

Whereas, the City desires the Ohio Director of Transportation to proceed with the Improvement; and

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

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

**Section 1.** That this Council requests the Ohio Director of Transportation to proceed with the Improvement.

**Section 2.** That the Director of Capital Projects is authorized to enter into contracts with the State and/or their pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the Improvement. Upon the request of ODOT, the Director of Capital Projects is also empowered to assign all rights, title,

and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 3.** (a) That the City shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

(b) The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the Improvement and that the utility removals and/or relocations shall be approved by the State and performed in accordance with the provisions of the ODOT Construction and materials Specifications.

(c) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current State and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(d) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City or the State

(e) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

**Section 4.** That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance; and

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes.

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Regulate parking in accordance with Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

**Section 5.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

**Section 6.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 7.** That this Council is authorized to cause payment to the State of the City's share of the Improvement, payable from Fund Nos. 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 52 SF 001, and 54 SF 001, RQS 0103, RL 2013-161.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1531-13.**

**By Council Member Cummins.**

**An emergency ordinance amending Section 2 of Ordinance No. 962-13 passed July 10, 2013 as it pertains to the Julia De Burgos Cultural Arts Center for the Puerto Rican and Latino Community Expo through the use of Ward 14 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 Section 2 of Ordinance No. 962-13 passed July 10, 2013 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$16,000 and shall be paid from Fund No. 10 SF 177.

**Section 2.** That Section 2 of Ordinance No. 962-13 passed July 10, 2013 is hereby repealed.

**Section 3.** 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1532-13.**

**By Council Member Conwell.**

**An emergency ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with Famico's Foundation for the Hot Sauce Williams Development Project through the use of Ward 9 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Economic Development be authorized to enter into an

agreement with Famicos Foundation for the Hot Sauce Williams Development Project for the public purpose of creating new jobs in the city of Cleveland through the use of Ward 9 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 10 SF 188.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1533-13.**

**By Council Members Cleveland and Brancatelli.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with University Settlement, Inc. for the Hunger Center Program through the use of Wards 5 and 12 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development be authorized to enter into an agreement with University Settlement, Inc. for the Hunger Center Program for the public purpose of providing food and hot meals to low income residents residing in the city of Cleveland through the use of Ward(s) 5 and 12 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$42,500 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

**Res. No. 1525-13.**

**By Council Member Brady.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 4282 West 130th Street and repealing Resolution No. 1162-13, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 4282 West 130th Street by Resolution No. 1162-13 adopted by the Council on August 14, 2013; and

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

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

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

**Section 1.** That objection to a New C1 Liquor Permit to Touma, LLC, DBA JJ's Grab & Go, 4282 West 130th Street, Cleveland, Ohio 44135, Permanent Number 9009245, be and the same is hereby withdrawn and Resolution No. 1162-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1526-13.**

**By Council Member Brancatelli.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3868 East 71st Street and repealing Resolution Nos. 813-13 and 906-13, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 3868 East 71st Street by Resolution No. 813-13 adopted on May 20, 2013 and Resolution No. 906-13 adopted on July 10, 2013 by the Council of the City of Cleveland; and

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

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

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

**Section 1.** That objections to a New C1 Liquor Permit to Q Repairs, LLC, DBA Pizzeria Uno, 3868 East 71st Street, Cleveland, Ohio 44105, Permanent Number 7128770, be and the same is hereby withdrawn and Resolution Nos. 813-13 and 906-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1527-13.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3489 East 93rd Street and repealing Resolution No. 1066-13, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 3489 East 93rd Street by Resolution No. 1066-13 adopted by the Council on August 14, 2013; and

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

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

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

**Section 1.** That objection to a New C1 Liquor Permit to Union 93rd Beverage, LLC, 3489 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 9152254, be and the same is hereby withdrawn and Resolution No. 1066-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1528-13.**

**By Council Member Cummins.**

**An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3801 Denison Avenue, 1st floor and basement and repealing Resolution No. 925-13, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D2, D2X, D3 and D3A Liquor Permit to Kovach-Ford, Inc., DBA Pinky's Café, 3801 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 4817939 by Resolution No. 925-13, adopted by the Council on July 10, 2013; and

Whereas, this Council wishes to withdraw its objection to the above

permit and consents to said permit; and

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

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

**Section 1.** That objection to the renewal of D2, D2X, D3 and D3A Liquor Permit to Kovach-Ford, Inc., DBA Pinky's Café, 3801 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 4817939, be and the same is hereby withdrawn and Resolution No. 925-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1529-13.**

**By Council Member Cummins.**

**An emergency resolution withdrawing objection to the renewal of a D2, D3 and D3A Liquor Permit at 5004 Storer Avenue and repealing Resolution No. 926-13, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D2, D3 and D3A Liquor Permit to Santiago Sanchez Entertainment Group, LLC, 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 7709514 by Resolution No. 926-13, adopted by the Council on July 10, 2013; and

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

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

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

**Section 1.** That objection to the renewal of a D2, D3 and D3A Liquor Permit to Santiago Sanchez Entertainment Group, LLC, 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 7709514, be and the same is hereby withdrawn and Resolution No. 926-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1530-13.**

**By Council Member Cimperman.**

**An emergency resolution objecting to the transfer of ownership of a D2, D2X and D3 Liquor Permit to 2301 Broadview Road, 1st floor and basement.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D2, D2X and D3 Liquor Permit from Mike's Broadview Bar & Grille, Inc., 2301 Broadview Road, 1st floor and basement and patio, Cleveland, Ohio 44109, Permanent Number 5941894 to 2301 Enterprises, Inc., DBA Old Brooklyn Social Club & Patio, 2301 Broadview Road, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 9115311; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D2, D2X and D3 Liquor Permit from Mike's Broadview Bar & Grille, Inc., 2301 Broadview Road, 1st floor and basement and patio, Cleveland, Ohio 44109, Permanent Number 5941894 to 2301 Enterprises, Inc., DBA Old Brooklyn Social Club & Patio, 2301 Broadview Road, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 9115311; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution,

together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1534-13.**

**By Mayor Jackson and Council Members Cimperman, Zone and Westbrook.**

**An emergency resolution requesting the Director of Transportation of the State of Ohio determine and declare a reasonable and safe prima-facie speed limit of 35 miles per hour for the West Shoreway between Lake Avenue and West 28th Street, effective upon completion of the West Shoreway reconfiguration.**

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 requests the Director of Transportation of the State of Ohio determine and declare a reasonable and safe prima-facie speed limit of 35 miles per hour for the West Shoreway between Lake Avenue and West 28th Street, including the ramps to and from West 25th Street; this 35 miles per hour speed limit shall be placed in effect upon completion of the West Shoreway reconfiguration, future project "CUY-6-12-20, ODOT PID 86482."

**Section 2.** That the Clerk of Council is directed to transmit a copy of this resolution to the Director of Transportation of the State of Ohio.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1535-13.**

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

**An emergency resolution supporting the efforts of the Northeast Ohio Regional Sewer District to reinstate its Regional Stormwater Management Program.**

Whereas, pursuant to Ohio Revised Code Chapter 6119 and Title V of the Code of Regulations enacted by the Northeast Ohio Regional Sewer District (the "District"), the District established a regional stormwater management program which included fully the City of Cleveland; and

Whereas, on June 28, 2012 Cuyahoga County Court of Common Pleas Judge Thomas J. Pokorny issued his final opinion in the case Northeast Ohio Regional Sewer District v. Bath Township, affirming the District's authority to implement a regional stormwater program and determining that the fees are not taxes; and

Whereas, on September 26, 2013, the Eighth District Court of Appeals for Cuyahoga County, reversed the opinion of the Common Pleas Court stating that the District has no authority to enact a regional stormwater management program and is enjoined from implementing Title V and from collecting stormwater fees; and

Whereas, the decision of the Eighth District Court of Appeals threatens to leave the City of Cleveland and much of the rest of Northeast Ohio with no effective means of watershed based, regional stormwater management; and

Whereas, the City of Cleveland has numerous stormwater management issues that can only be effectively addressed on a watershed basis, including flooding along Euclid Creek and Big Creek that has resulted in basements being filled with stormwater and other property damage, as well as the routine flooding of Martin Luther King Drive by Doan Brook; and

Whereas, the City of Cleveland has several regional stormwater management problems that it cannot address within its capital budget, including the Euclid Creek Concrete Spillway Repair, the Euclid Creek Flood Control Rehabilitation Project, the Big Creek Streambank Erosion at John Nagy Boulevard, and the Doan Brook Stream Restoration and Bank Stabilization, collectively estimated to cost at least \$16 million dollars; and

Whereas, the District intends to appeal to the Ohio Supreme Court to overturn the holding of the Eighth District Court of Appeals; and

Whereas, this Council supports the efforts of the District to overturn the decision of the Eighth District Court of Appeals by appeal to the Ohio Supreme Court, and urges the Court to take jurisdiction in this discretionary appeal; and

Whereas, this Council supports the Northeast Ohio Regional District's efforts to manage wet weather, and relies on these efforts;

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 supports the efforts of the Northeast Ohio Regional Sewer District to reinstate its Regional Stormwater Management Program.

**Section 2.** That the Clerk is directed to send a copy of this resolution to Julius Ciaccia, Executive Director of the Northeast Ohio Regional Sewer District.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

#### SECOND READING EMERGENCY ORDINANCES PASSED

##### Ord. No. 1099-13.

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

An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for resurfacing West 130th Street from Brookpark Road to Lorain Avenue in the City of Cleveland; authorizing the Director of Capital Projects to enter into any relative agreements; to apply for and accept an allocation of County Motor Vehicle License Tax funds and any gifts or grants for this purpose from any public or private entities; authorizing one or more contracts with consultants; authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the improvement; and causing payment of the City's share of the Improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

##### Ord. No. 1114-13.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more purchase agreements with CP-Snow Properties, LLC and CP-Cleveland Holdings, LLC, or their designee; authorizing the Commissioner of Purchases and Supplies to purchase properties located at 18899 Snow Road and 18951 Snow Road, both located in Brook Park, Ohio, for the Department of Port Control; and authorizing the Director of Port Control to enter into a Parking Management Agreement with Parking Company of America, or their designee, to manage, operate, and maintain the two off-airport parking facilities for a period of ten years.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

##### Ord. No. 1292-13.

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

An emergency ordinance to vacate the 1st Unnamed Alley North of Miles Avenue, S.E., between East 162nd Street and East 163rd Street.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

##### Ord. No. 1294-13.

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

An emergency ordinance to vacate a portion of Carnation Court, N.E.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

##### Ord. No. 1295-13.

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

An emergency ordinance to vacate a portion of Commercial Road.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

##### Ord. No. 1296-13.

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

An emergency ordinance to vacate a portion of Gould Court N.W.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

##### Ord. No. 1298-13.

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

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

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

##### Ord. No. 1340-13.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, inspect, maintain, repair, enhance or replace

HVAC systems and components, including boilers, ventilation and AC systems, environmental controls, software, and components, including rentals and installation, if necessary, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period up to two years with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1411-13.**

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1431-13.**

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Cuyahoga County for the 2011 Law Enforcement Terrorism Protection Program; and authorizing an agreement with Cuyahoga County to implement the grant; and to amend Contract No. 69633 with Cogent, Inc. to provide additional AFIS equipment.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1432-13.**

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

An emergency ordinance approving the Tax Incentive Review Council's Year 2012 recommendations.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**SECOND READING  
ORDINANCE PASSED**

**Ord. No. 1354-13.**

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

An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section

535.041 relating to fixed water charges to Westlake to cover costs associated with separation from the Cleveland Water System.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Legislation, Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**MOTION**

On the motion of Council Member Westbrook, the absence of Council Member Jeffrey D. Johnson is hereby authorized. Seconded by Council Member Mitchell.

**MOTION**

The Council Meeting adjourned at 8:06 p.m. to meet on Monday, November 18, 2013, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

November 6, 2013

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 6, 2013 at 10:42 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson.  
Others: Robert Vilkas, Acting Director, Mayor's Office of Capital Projects.

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

Tiffany White, Commissioner, Purchases & Supplies.

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

**Resolution No. 636-13.**

By Director Bender.  
Be it resolved by the Board of Control of the City of Cleveland, that in accordance with Section 112 of the Charter of the City of Cleveland, subject to the approval of City Council, the rates and charges of the Division of Water, Department of Public Utilities, for water service to the City of Westlake are fixed as follows:

**Fixed Water Charges to Westlake to Cover Costs Associated with Separation from the Cleveland Water System**

(a) Effective January 1, 2014, in addition to the fixed and water consumption charges assessed under Section 535.04, all accounts for direct water service to the City of Westlake shall contain a fixed charge based on meter size to cover costs associated with the separation of Westlake from the Cleveland Water System as provided in this section.

(b) The fixed charge on a quarterly billing statement shall be as follows:

Meter Size	Fixed Charge
1" or smaller	\$ 291.00
2" and 1-1/2"	\$ 569.00
3" and 4"	\$1,942.00
6"	\$3,468.00
8"	\$5,272.00

(c) If billed monthly, the fixed charge on a monthly billing statement shall be as follows:

Meter Size	Fixed Charge
1" or smaller	\$ 97.00
2" and 1-1/2"	\$ 189.00
3" and 4"	\$ 647.00
6"	\$1,156.00
8"	\$1,757.00

(d) Fixed charges assessed under this section may be prorated during a billing cycle.

(e) The fixed charges under this section shall be assessed to direct service accounts in Westlake for a period of seventeen (17) quarters or fifty-one (51) months.

Be it further resolved that all other rates and charges fixed for water service by this Board under Resolution No. 274-11, adopted June 22, 2011 and approved by City Council under Ordinance No. 462-11, passed May 23, 2011, shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Dumas, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 637-13.**

By Director Bender.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Perk Company, Inc. for the public improvement of constructing and repairing catch basins and manholes at various locations citywide, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on August 28, 2013, under the authority of Section 129.291 of the Codified Ordinances of Cleveland, Ohio, 1976, upon a unit basis for the improvements to be performed as ordered during a period of two (2) years starting upon execution of a contract or the day following the expiration of the currently effective contract for the goods or services, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$908,952.00, is

affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to enter into a public improvement by requirement contract for the improvement.

The public improvement by requirement contract shall further provide that the contractor will perform all the City's requirements for the work as may be ordered under delivery orders separately certified against the public improvement by requirement contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control that the employment of the following subcontractors by Perk Company, Inc. for the above-mentioned public improvement by requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>CSB/MBE/FBE</u>	<u>AMOUNT/PERCENTAGE</u>
Cuyahoga Supply	CSB/FBE	\$96,500.00(10.62%)
Tech Ready Mix	CSB/MBE	\$136,000.00(14.96%)
Cordova Enterprises, LLC	CSB/MBE/FBE	\$45,155.00(4.97%)

Yeas: Directors Langhenry, Dumas, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.  
Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 638-13.**

By Director Bender.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of H D Supply Waterworks, Ltd. for an estimated quantity of vitrified clay and pvc pipe, items 5, 20, 25-36 and 45-84, for the Division of Water Pollution Control, Department of Public Utilities, for a period of two (2) years starting upon the later of execution of a contract or the day following expiration of the currently effective contract for the goods and/or services, received on August 30, 2013, under the authority of Section 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$64,796.84 (0%, Net 30 days), is affirmed and approved as the lowest and best bid; and the Director of Public Utilities is requested to enter into a requirement contract for the specified goods and/or services.

The requirement contract shall further provide that the Contractor shall furnish all 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, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.  
Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 639-13.**

By Director Bender.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Simplified Alternatives, Inc. for an estimated quantity of vitrified clay and pvc pipe, items 1-4, 6-19 and 21-24, for the Division of Water Pollution Control, Department of Public Utilities, for a period of two (2) years starting upon the later of execution of a contract or the day following expiration of the currently effective contract for the goods and/or services, received on August 30, 2013, under the authority of Section 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$135,959.09 (0%), 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 specified goods and/or services.

The requirement contract shall further provide that the Contractor shall furnish all 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, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.  
Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 640-13.**

By Director Bender.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 30, 2013 for an estimated quantity of vitrified clay and pvc pipe, items 37-44, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Section 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Langhenry, Dumas, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.  
Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 641-13.**

By Director Bender.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 27, 2013 for materials and supplies necessary to repair or replace plumbing equipment and lines, including gas lines, and for installation if necessary, for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 630-11, passed June 6, 2011, are rejected.

Yeas: Directors Langhenry, Dumas, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.  
Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 642-13.**

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Petty Group, LLC for an estimated quantity of fencing, gate operators, gates, barriers, walls, and guardrails, including associated

appurtenances, and labor and materials necessary to repair or maintain existing equipment and appurtenances, including installation if necessary at various facilities, all items, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of one year starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on September 12, 2013 under the authority of Ordinance No. 567-13, passed May 6, 2013, which on the basis of the estimated quantity would amount to \$707,392.39 (2%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following sub-contractors for the above-mentioned services is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>	<u>PERCENTAGE</u>
Tech Ready Mix (CSB/MBE)	TBD	TBD
Work Best Electric (CSB/MBE)	TBD	TBD

Yeas: Directors Langhenry, Dumas, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.  
Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 643-13.**

By Director Smith.

Whereas, under the authority of Ordinance No. 1407-07, passed by the Council of the City of Cleveland on November 12, 2007 and Board of Control Resolution No 395-09, adopted September 30, 2009, the City through its Director of Port Control, entered into Contract No. 69787 with Cornerstone OnDemand, Inc. to provide professional services necessary to provide learning and development of employees, including but not limited to performance management and enhancement services and systems and systems support for the various divisions of the Department of Port Control; and

Whereas, when a director has been authorized to contract with a software developer or vendor, division (d) of Section 181.102 C.O. authorizes the director of the department for which the software is acquired to enter into an agreement with the software vendor for professional services necessary to implement or maintain the software system, including but not limited to maintenance, repair, upgrades, enhancements, training and technical support; and

Whereas, under the authority of Section 181.102 C.O. the City intends

to enter into an agreement with Cornerstone OnDemand, Inc. to upgrade the current system to include content modification of the Cornerstone OnDemand Integrated Talent Management Platform and provide ongoing maintenance, support and routine system upgrades. The term of the agreement shall be for a period of one year with three (3) one-year options to renew; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of division (e) of Section 181.102 C.O., the compensation to be paid Cornerstone OnDemand, Inc. to upgrade the current system to include the new Applicant Tracking Module and provide ongoing maintenance, support and routine system upgrades shall not exceed \$101,450.00 for the first year and a subscription fee of \$79,350 annually for option years two through four.

Yeas: Directors Langhenry, Dumas, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 644-13.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Company, Inc. for the public improvement of Denison Avenue (Ridge Road to State Route 176), all items, for the Division of Engineering and Construction, Office of Capital Projects, received on October 3, 2013, under the authority of Ordinance No. 908-12, passed by Cleveland City Council on August 8, 2012, upon a unit price basis for the improvement, in the aggregate amount of \$9,068,852.93, is affirmed and approved as the lowest responsible bid, and the Director of the Mayor's Office of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Perk Company, Inc. for the above-mentioned public improvement is approved:

Cook Paving, Inc.  
CSB — \$1,966,023.00 — 21.7%

Cuyahoga Supply & Tool, Inc.  
CSB/FBE — \$154,814.00 — 1.7%

Trafftech, Inc.  
CSB — \$181,015.00 — 2.0%

Tech Ready Mix  
CSB/MBE — \$559,260.00 — 6.2%

CorStone, Ltd.  
CSB — \$96,600.00 — 1.1%

Total — 32.6%

Yeas: Directors Langhenry, Dumas, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 645-13.**

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 27,

2013, for labor and materials necessary to clean the West Side Market, (re-bid) all items, for the Division of Special Events and Recreation, Department of Public Works, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Langhenry, Dumas, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 646-13.**

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. 005-30-015 located at 2061 West 93rd Street in Ward 16; and

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

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

Whereas, the following conditions exist:

1. The member of Council from Ward 16 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 James A. Brown, Jr. for the sale and development of Permanent Parcel No. 005-30-015 located at 2061 West 93rd 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 \$200,000, 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, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 647-13.**

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. 016-23-078 located at 3412 West 45th Street in Ward 14; 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, Eula G. Bailey 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 14 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 Eula G. Bailey for the sale and development of Permanent Parcel No. 016-23-078 located at 3412 West 45th 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 \$200,000, 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, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 648-13.**

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. 016-06-013 located at 6122 Storer Avenue in Ward 15; and

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

Whereas, Khalil Ewais has proposed to the City to purchase and develop the parcel for parking; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 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 Khalil Ewais for the sale and development of Permanent Parcel No. 016-06-013 located at 6122 Storer Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$2,400.00, 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, Bender, Smith, Cox, Butler, Flask, Acting Director Cosgrove, Directors 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 25, 2013

9:30 A.M.

**Calendar No. 13-160:** 1616 West 25th Street (Ward 3)

Ojala Properties, LLC and Maria Keckan appeal 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 from the plan approval and Permit B13023272 issued to Clear Channel Outdoor by the City of Cleveland Department of Building and Housing for repair of a billboard located at 1616 West 25th Street. (Filed 8-1-13; Hearing 9-3-13; Motion for Rehearing 9-16-13)

**Calendar No. 13-238:** 4770 Broadview Road (Ward 13)

Julie Adams House, Incorporated, owner, and Traci Barnes appeal to change use of an existing two-story mixed use building to a residential drug and alcohol rehabilitation program facility for an unspecified number of clients, located on a 68.01' x 124.04 corner parcel in a C1 Local Retail Business District; pursuant to Section 343.01(b)(1) all uses regulated in a Multi-Family Residential District and subject to the limitations in Section 337.08(e)(5), a residential drug and alcohol rehabilitation program facility is not permitted and first permitted in a General Retail Business District; and as required in Section 352.07, an 8 feet wide landscaped transition strip is required where the premises abuts a residential district to the west and south; and the Board of Zoning Appeals must determine whether the nonconformity in landscaping may continue for the proposed change of use.

**Calendar No. 13-242:** 1400 Brookpark Road (Ward 13)

Udelson Brookpark Ltd., LLC, owner, and LaPine Truck Sales, prospective tenant, appeal for a change of use from factory to a used truck and trailer sales on acreage located in a B3 General Industry District; subject to the requirements in Section 349.04(f) used car lots must provide 25% of the gross lot area for customer parking and a parking space shall be 180 square feet; a parking/ADA and vehicle display area configuration plan is required; and a frontage landscape strip 4 feet wide is required along Brookpark Road, pursuant to Section 352.10 in the Cleveland Codified Ordinances.

Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 11, 2013

At the meeting of the Board of Zoning Appeals on Monday, November 11, 2013, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 13-233:** 927 East 123rd Street

Paul McPherson appealed to establish use for a barbershop and beauty salon in a C1 Local Retail Business District; subject to conditions.

**Calendar No. 13-236:** 4113-21 East 71st Street

Gerald Durante, owner, and Elricco Lynch, prospective tenant, appealed to establish use for piercing and tattooing in a C1 General Retail Business District.

**Calendar No. 13-237:** 1891 East 93rd Street

The Cleveland Clinic appeals to add two (2) parking spaces on an existing parking lot in an E3 Multi-Family District.

**Calendar No. 13-214:** 3502-06 Clark Avenue

Serrat Enterprises, owner, and Checkers Drive-In Restaurant, prospective tenant appealed to construct a drive-through restaurant with a dining patio in a C2 General Retail Business District.

The following appeal was **DENIED:**

**Calendar No. 13-204:** 2216 West 101st Street

Irina and Gheoghe Ciornei, owner, and Vasile Balescu, tenant, appealed to establish use as a state licensed residential facility for eleven (11) persons in a B1 Two-Family District.

The following appeal was **WITHDRAWN:**

None.

The following appeal was **DISMISSED:**

None.

The following appeal was **POSTPONED:**

**Calendar No. 13-227:** 806 Literary Road postponed to December 30, 2013.

The following appeals heard by the Board on November 4, 2013 were adopted and approved on November 11, 2013.

The following appeals were **APPROVED:**

**Calendar No. 13-224:** 2376 Professor Avenue

Shury, LLC appealed to add new construction, three (3) dwelling units, with an existing retail store in a C1 General Retail Business District; with condition.

**Calendar No. 13-230:** 15321 Lydian Avenue

Joseph Beach appealed to construct a wood frame one car garage in a B1 Two-Family District.

**Calendar No. 13-231:** 2257 West 7th Street

Scot Plowacki appealed to erect a one-story, frame detached garage with second floor storage in a B1 Two-Family District.

Secretary



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

Re: Report of the Meeting of November 6, 2013

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

\* \* \*

**Docket A-172-13.**

RE: Appeal of Neil T. Clough, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 7901 Neville Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated May 29, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) 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. Maschke and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-173-13.**

RE: Appeal of Neil T. Clough, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 3044 West 51st Street (Rear) from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated May 29, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) 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. Maschke and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-174-13.**

RE: Appeal of Neil T. Clough, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3178 West 48th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated May 29, 2013

of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) 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. Maschke and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-180-13.**

RE: Appeal of Robert C. Johnson, Owner of the Residential Property, located on the premises known as 2791 East 127th Street from a LIMITATION ON THE PERMITS, dated January 11, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant a thirty (30) day Extension of Time on the exterior of the property; and ninety (90) days Extension of Time on the entire project; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-193-13.**

RE: Appeal of B & B Wrecking & Excavating, Inc., Owner of the F-2 Factory — Low Hazard (Non-combustibles) One Story Masonry Property, located on the premises known as 3138 Payne Avenue from a NOTICE OF VIOLATION — POOR WORKMANSHIP, dated June 20, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant four (4) months in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-209-13.**

RE: Appeal of Karen O'Toole, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 393 East 147th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 2, 2013 of

the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all required permits, and one hundred eighty (180) days in which to complete abatement of all violations in accordance with the Residential Building Code; 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-210-13.**

RE: Appeal of Neil T. Clough, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 7014 Colgate Avenue (Front) from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated July 17, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket is rescheduled for November 20, 2013.

\* \* \*

**Docket A-211-13.**

RE: Appeal of Neil T. Clough, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 3012 West 11th Street (aka 3023 West 11th Street (Front) from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated July 17, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket is rescheduled for November 20, 2013.

\* \* \*

**Docket A-214-13.**

RE: Appeal of HSBC Bank USA National Association, Owner of the One Dwelling Unit Single-Family Masonry Property, located on the premises known as 9629 Thorn Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated June 14, 2013, and Two & One-half Story Masonry Garage Property from a CONDEMNATION ORDER — GARAGE, dated July 17, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain all required permits, and to require that the exterior be weather proofed within thirty (30) days, and to grant the Appellant

ninety (90) days in which to complete abatement of all violations on the property, noting that failure to meet any of these dates will result in the property being REMANDED immediately. 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. Saab.

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

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**Docket A-215-13.**

RE: Appeal of Eleanor E. Taylor, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 3676 East 147th Street from a VACATE ORDER, dated July 23, 2013, from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated July 17, 2013, and from a CONDEMNATION ORDER — GARAGE, dated July 17, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant four (4) weeks in which to either vacate the premises or present a plan of abatement to the inspector to make the property weather-tight, safe and livable; the Appellant is granted six (6) months in which to complete abatement of the violations, noting that failure to meet any of these deadlines will REMAND the property immediately. 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. Saab.

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

\* \* \*

**Docket A-222-13.**

RE: Appeal of Neil T. Clough, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 33809 West 117th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated July 30, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket is rescheduled for November 20, 2013.

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**Docket A-223-13.**

RE: Appeal of Neil T. Clough, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 2070 West 65th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated July 30, 2013 of the Director of the Department of Building and Housing, requiring compliance with

the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket is rescheduled for November 20, 2013.

\* \* \*

**Docket A-224-13.**

RE: Appeal of Neil T. Clough, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 7012 Colgate Avenue (Rear) (aka 7014 Colgate Avenue) from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated June 30, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket is rescheduled for November 20, 2013.

\* \* \*

**Docket A-225-13.**

RE: Appeal of 275 East 131st Street Group LLC, Owner of the T-2 Factory — Low Hazard (Non-combustibles) Property, located on the premises known as 275 East 131st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 12, 2013, and from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 20, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-225-13 has been POSTPONED; to be rescheduled for November 20, 2013.

\* \* \*

**Docket A-227-13.**

RE: Appeal of 1170 Ivanhoe LLC C/O Jjak LLC/John Hirko, Owner/Tenant of the F-1 Factory — Moderate Hazard (Combustibles) One Story Masonry Walls/Wood Floors Semi-Industry Property, located on the premises known as 1170 Ivanhoe Road from a NOTICE OF VIOLATION — NO PERMIT, dated August 2, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-227-13 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-263-13.**

RE: Appeal of Kamis Properties LLC, Owner of the Residential Property, located on the premises known as 1960 Columbus Road from an ADJUDICATION ORDER, dated August 1, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance requested and to require the

Appellant to sprinkle the lowest level of the building. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Saab and seconded by Mr. Maschke for Approval respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-192-13 — Becky Jaajaa
- A-207-13 — Halima Omar
- A-217-13 — Judith Hanf

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

\* \* \*

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

- A-208-13 — Robert Hunter
- A-253-13 — Ernest DeNardy
- A-262-13 — David Humphrey

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

\* \* \*

Separate motions were entered by Mr. Bradley and seconded by Mr. Maschke for Approval respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-212-13 — St. Peter Parish
- A-216-13 — West 25th Street
- A-219-13 — M. Loretta Cofield

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

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Bradley and seconded by Mr. Saab 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 23, 2013

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

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

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

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Wednesday, November 20, 2013  
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, November 20, 2013, at 1:00 p.m., to consider the following ordinances now pending in the Council:

**Ord. No. 1077-13.**

By Council Member J. Johnson.  
An emergency ordinance designating Bethany Baptist Church, formerly Zion Evangelical Church, as a Cleveland Landmark.

**Ord. No. 1078-13.**

By Council Member J. Johnson.  
An emergency ordinance designating Central Christian Church, formerly known as Glenville Church of Christ Disciple, as a Cleveland Landmark.

**Ord. No. 1079-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the Otto Narveleit Building as a Cleveland Landmark.

**Ord. No. 1214-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the May Company Warehouse and Delivery Station (also known as the Buschman Corporation Building) as a Cleveland Landmark.

**Ord. No. 1225-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the Jacob Vidmar Building as a Cleveland Landmark.

**Ord. No. 1226-13.**

By Council Member J. Johnson.  
An emergency ordinance designating the Vogt Building as a Cleveland Landmark.

**Ord. No. 1332-13.**

By Council Members Brady and Westbrook.  
An ordinance establishing a Pedestrian Retail Overlay District on the north and south sides of Madison Avenue between Berea Road and W. 85th Street (Map Change No. 2446).

**Ord. No. 1379-13.**

By Council Member Dow.  
An ordinance changing the Use and Area Districts of land located on the west side of E. 62nd Street south of Grdina Drive to Residence Industry and a 'B' Area District (Map Change No. 2456).

**Ord. No. 1436-13.**

By Council Member J. Johnson.  
An ordinance changing the Use, Area and Height Districts of lands located on the southwest side of E.

41st Street north of Superior Avenue to Semi-Industry, a 'C' Area District, and a '3' Height District (Map Change No. 2460).

**Ord. No. 1461-13.**

By Council Member Dow.  
An ordinance changing the Use, Area and Height Districts of land located on the north side of Chester Avenue between East 97th Street and East 101st Street to a Local Retail Business District, an 'F' Area District and a '3' Height District (Map Change No. 2465).

Phyllis E. Cleveland, Chair  
Committee on City Planning

November 6, 2013 and November 13, 2013

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

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

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

**WEDNESDAY, DECEMBER 4, 2013**

**File No. 176-13 — Miscellaneous Sized Steel**, for the Various Divisions of City Government, Depart-

ment of Finance as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 18, 2013 AT 1:30 P.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

November 6, 2013 and November 13, 2013

**FRIDAY, DECEMBER 6, 2013**

**File No. 177-13 — Chrysler Dodge and Jeep Passenger Car, Light and Medium Duty Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 22, 2013 AT 10:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.**

**File No. 178-13 — City of Cleveland Construction Contract for the Cedar Avenue Reconstruction (E. 55th St. to E. 89th St.)**, for the Division of Engineering and Construction, Department of Mayor's Office of Capital Projects, as authorized by Ordinance No. 607-12, 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 21, 2013 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 514, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

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

**File No. 179-13 — Gateway East Parking Garage 2012 Improvements**, for the Division of Architecture and Development, Department of Public Works, as authorized by Ordinance No. 533-12, passed by the Council of the City of Cleveland, August 8, 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 21, 2013 AT 11:00 A.M. CLEVELAND CITY HALL, ROOM 517A 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

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File No. 180-13 — Loew Park Ball Diamond Improvements, for the Division of Architecture and Development, Department of Public Works, as authorized by Ordinance No. 791-13, passed by the Council of the City of Cleveland, May 20, 2013.

\*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).

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November 13, 2013 and November 20, 2013

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

Monday, November 11, 2013 9:30 a.m.

**Public Parks, Properties and Recreation Committee:** Present: K. Johnson, Chair; Conwell, Vice Chair; Brancatelli, Cimperman, Dow, Polensek.

11:00 a.m.

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

2:00 p.m.

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

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

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