

The City Record

Official Publication of the Council of the City of Cleveland



January the Fourteenth, Two Thousand and Fifteen

Frank G. Jackson
Mayor

Kevin J. Kelley
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 Michael D. Polensek
- 9 Kevin Conwell
- 10 Jeffrey D. Johnson
- 11 Dona Brady
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Brian Kazy
- 17 Martin J. Keane

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

Ward	Name	Residence	
1	Terrell H. Pruitt	16920 Throckley Avenue	44128
2	Zack 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	Michael D. Polensek	17855 Brian Avenue	44119
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
11	Dona Brady	1272 West Boulevard	44102
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	Brian Kazy	601 Lakeside Avenue, Room 220	44114
17	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
 Martin J. Flask, Executive Assistant to the Mayor of Special Projects
 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, Executive Assistant to the Mayor, Chief of Public Affairs
 Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

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

OFFICE OF EQUAL OPPORTUNITY – Melissa K. Burrows, Ph.D., Director

DEPT. OF LAW – Barbara A. Langhenry, Director, Gary D. Singletary, 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;

Natasha Brandt, 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 – Sharon Dumas, Interim Director, 1201 Lakeside Avenue

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner
 Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer
 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 – Randell T. Scott, Interim Commissioner
 Traffic Engineering – Robert Mavec, Commissioner
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

DEPT. OF PUBLIC HEALTH – Toinette Parrilla, Director, 75 Erieview Plaza

DIVISIONS:

Air Quality – George Baker, Commissioner
 Environment – Chantez Williams, Commissioner, 75 Erieview Plaza
 Health – Myron Bennett, Commissioner, 75 Erieview Plaza

DEPT. OF PUBLIC SAFETY – Michael C. McGrath, Director, Room 230

DIVISIONS:

Animal Control Services – John Baird, Chief Dog Warden, 2690 West 7th Street
 Correction – Robert Tasky, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive
 Fire – Patrick Kelly, Chief, 1645 Superior Avenue
 Police – Calvin D. Williams, 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 – Ronald J.H. O'Leary, 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, Eugene R. Miller (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Gary Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Peter Whitt.

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

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Kevin J. Kelley; 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, Elizabeth Kukla, 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 Kevin J. Kelley.

BOARD OF SIDEWALK APPEALS – Capital Projects Director Matthew Spronz, Law Director Barbara A. Langhenry; Council Member Kenneth L. Johnson.

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

CITY PLANNING COMMISSION – Room 501 – Freddy L. Collier, Jr., 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 Kevin J. Kelley; Councilman Kevin Kelley.

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair; Laura M. Bala, Freddy L. Collier, Jr., Allan Dreyer, Giancarlo Calicchia, Council Member Terrell H. Pruitt, Robert Strickland, Julie Trotter, Robert Vilkas, Donald Petit, Interim Secretary.

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

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

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A
 Judge Pinkey S. Carr – Courtroom 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 Ed Wade – Courtroom 12A
 Judge Joseph J. Zone – Courtroom 14D

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

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WEDNESDAY, JANUARY 14, 2015

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CITY COUNCIL

MONDAY, JANUARY 12, 2015

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2015-2017

MONDAY — Alternating

9:30 A.M. — **Health and Human Services Committee:** Cimperman (CHAIR), Mitchell (VICE-CHAIR), Brady, Cleveland, Conwell, Cummins, J. Johnson.

9:30 A.M. — **Municipal Services and Properties Committee:** K. Johnson (CHAIR), Dow (VICE-CHAIR), Brancatelli, Cummins, J. Johnson, Kazy, Reed.

MONDAY

2:00 P.M. — **Finance Committee:** Kelley (CHAIR), Cleveland (VICE-CHAIR), Brady, Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone.

TUESDAY

9:30 A.M. — **Development, Planning and Sustainability Committee:** Brancatelli (CHAIR), Cleveland (VICE-CHAIR), Cimperman, Cummins, Dow, Pruitt, Zone.

TUESDAY — Alternating

1:30 P.M. — **Utilities Committee:** Pruitt (CHAIR), Brady (VICE-CHAIR), Brancatelli, Cummins, Keane, Mitchell, Polensek.

1:30 P.M. — **Workforce and Community Benefits Committee:** Cleveland (CHAIR), Zone (VICE-CHAIR), J. Johnson, Kazy, Polensek, Pruitt, Reed.

WEDNESDAY — Alternating

10:00 A.M. — **Safety Committee:** Zone (CHAIR), Conwell (VICE-CHAIR), Cimperman, Kazy, Keane, Mitchell, Polensek.

10:00 A.M. — **Transportation Committee:** Keane (CHAIR), Dow (VICE-CHAIR), Conwell, J. Johnson, K. Johnson, Kazy, Reed.

The following Committees meet at the Call of the Chair:

Mayor's Appointments Committee: Dow (CHAIR), Brady, Cleveland, Kelley, Mitchell.

Operations Committee: Pruitt (CHAIR), Mitchell, Kelley, Keane, Zone.

Rules Committee: Kelley (CHAIR), Cleveland, Keane, Polensek, Pruitt.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 12, 2015

The meeting of the Council was called to order at 7:02 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Dona Brady, Anthony Brancatelli, Joe Cimperman, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, Jeffrey D. Johnson, Brian Kazy, Kevin J. Kelley, Kenneth L. Johnson, Martin J. Keane, Mamie J. Mitchell, Michael D. Polensek, Terrell H. Pruitt, Zack Reed, and Matthew Zone.

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Regional Development Edward W. Rybka, Chief of Sustainability Jenita McGowan, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Dumas, Spronz, Parrilla, McGrath, Cox, Rush, O'Leary, Southerington, Nichols, Griffin, Collier, Fumich, Ambroz and Burrows.

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

MOTION

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

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 45-15.

RE: #4957166. Stock Application, D1 D2 D3 D6. La Collina, Ltd., 2198 Murray Hill Road (Ward 6). Received.

File No. 58-15.

RE: #22348151975. New License Application, C1. Dolgen Midwest, LLC, 3785 Lee Road (Ward 1). Received.

File No. 59-15.

RE: #6971389. New License Application, D5J. PM Group, LLC, 1200 West 76th Street (Ward 15). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 49-15—Herbert Lee Gunn.
Res. No. 50-15—Charlie J. Rivers.
Res. No. 51-15—Eula Mae Jackson.
Res. No. 60-15—Ann Copic.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 52-15—Louise J. Gissendaner.
Res. No. 53-15—Anna M. Richburg — 100th Birthday.
Res. No. 54-15—St. Vincent Charity Hospital — 150th Anniversary.

RECOGNITION RESOLUTION

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

Res. No. 55-15—Sister Corita Ambro

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 46-15.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to accept, acquire, and record certain easement interests from the Cuyahoga Metropolitan Housing Authority for a public sidewalk near the corner of East 30th Street and Central Avenue.

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 Commissioner of Purchases and Supplies is authorized to accept, acquire, and record certain easement

rights from Cuyahoga Metropolitan Housing Authority in and to the premises described for a public sidewalk near the corner of East 30th Street and Central Avenue, more fully described as follows:

**PROPOSED 0.034 ACRE
SIDEWALK EASEMENT OUT OF
PERMANENT PARCEL No. 103-27-005**

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

And known as being part of Original Ten Acre Lot No 36 and 37, and being part of Permanent Parcel Number 103-27-005 of Cuyahoga County Records and further described as follows:

Beginning at a point at the south-westerly intersection of the southerly right of way line of Central Avenue (63 feet wide) and the westerly right of way line of East 30th Street (90 feet wide):

Thence North 86° 37' 32" West, along the southerly right of way line of said Central Avenue, 73.22 feet to a point and being The Place of Beginning;

Thence North 76° 27' 22" West, 40.20 feet to a point;

Thence North 86° 37' 32" West, 100.71 feet to a point;

Thence North 51° 29' 44" West, 20.33 feet to a point on the southerly right of way line of Central Avenue;

Thence along the southerly right of way line of Central Avenue, South 86° 37' 32" East, 155.80 feet to The Place of Beginning and containing 0.034 acres of land as calculated and described by Norman R. Hoovler, P.S. 8259 for URS Corporation in November 2014.

This legal description is intended to describe a 0.034 acre sidewalk easement for City of

Cleveland, leased from Cuyahoga Metropolitan Housing Authority.

Sidewalk easement subject to all legal highways and easements of record.

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

Section 2. That the cost of acquiring the easement rights shall be \$1.00 and other valuable consideration which is determined to be fair market value. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring and recording the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

Section 3. That the Director of Capital Projects is authorized to execute any documents on behalf of the City of Cleveland necessary to effect the purposes of this ordinance.

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 Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability.

**Ord. No. 47-15.
By Council Members K. Johnson,
Brancatelli and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Public Works to enter into an Option to Purchase Agreement with Cleveland Housing Network, Inc. or its designee, in connection with the sale of City-owned property located on East 131st Street, north of Miles Avenue, for the Emerald Alliance IX supportive housing project; and authorizing the Commissioner of Purchases and Supplies to convey the property, which is no longer needed for the City's public use.

Whereas, the City of Cleveland owns certain property located on East 131st Street, north of Miles Avenue, which is not needed for the City's public use; and

Whereas, that the property comprising the parking lot is not useful in the operation of the Parking Facilities, as defined in the applicable Indenture of Trust for the Parking Facilities Refunding Revenue Bonds ("Parking Facilities"), and the aggregate book value of the property is not more than one percent (1%) of the book value of the total assets of the Parking Facilities as of the end of 2013; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that City-owned property located on East 131st Street, north of Miles Avenue ("Property") is no longer needed for the City's public use.

Section 2. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into an Option to Purchase Agreement with Cleveland Housing Network, Inc. or its designee, ("CHN") for with the sale of the Property in connection with the Emerald Alliance IX supportive housing project.

Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to convey the following described Property under the Option to Purchase Agreement authorized above and is more fully described, more or less, as follows:

**LEGAL DESCRIPTION
CREATING PARCEL "F"
(PART OF P.P.N. 138-11-146)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel "D-1" in the Plat of Lot Split of part of the Original Newburgh Township Lot No. 470 as shown on the plat recorded in Volume 361, Page 80 of Cuyahoga County Map Records and bounded and described as follows:

Beginning on the easterly right of way of East 131st Street (60 feet wide) at the southwest corner of said Parcel "D-1" and being the Place of Beginning of the premises herein described;

Thence North 00° 56' 36" West along the easterly right of way of East 131st Street, 19.96 feet to a south-westerly corner of Parcel "B" in the Lot Split and Consolidation as shown on the plat recorded in Volume 360, Page 79 of Cuyahoga County Map Records;

Thence North 88° 33' 12" East along the southerly line of said Parcel "B", 114.32 feet to an angle point;

Thence North 62° 07' 04" East continuing along the southerly line of Parcel "B", 33.69 feet to an angle point;

Thence North 00° 47' 30" West along an easterly line of Parcel "B", 59.48 feet to a point;

Thence North 88° 23' 48" East, 79.99 feet to a point;

Thence South 00° 49' 13" East, 94.66 feet to the southerly line of said Parcel "D-1";

Thence South 88° 33' 12" West along the southerly line of Parcel "D-1", 224.30 feet to the Principal Place of Beginning, containing 0.245 acres of land as surveyed and described by Edward B. Dudley, PS No. 6747, of the Riverstone Company in July 2014 and subject to all legal highways, restrictions, reservations and easements.

Section 4. That by and to the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the Property to CHN under the Option to Purchase Agreement, at a price determined to be fair market value by the Board of Control, taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deeds of conveyance.

Section 5. That the conveyance shall be made by an official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 6. That the Option to Purchase Agreement and other appropriate documents needed to effectuate this ordinance shall be prepared by the Director of Law.

Section 7. That the proceeds from the sale, transfer or disposition of the parking lot Property shall be deposited in the Renewal and Replacement Fund of the Parking Facilities Refunding Revenue Bonds and shall be applied to the payment of costs of replacing such property or facilities if such replacement is necessary to maintain the Parking Facilities in good operating condition and shall otherwise be applied to any lawful purpose of the Parking Facilities.

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.

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

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

Ord. No. 48-15.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 2015 Cupid's Undie Run, on February 14, 2015, to benefit the Children's Tumor Foundation.

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 2015 Cupid's Undie Run, on February 14, 2015, start: South Side Restaurant at 2207 West 11th Street; south on West 11th to Starkweather Avenue; turn left at West 10th Street and Jefferson Avenue intersection; Jefferson to Professor Avenue; turn left, north on Jefferson to Fairfield Avenue; turn left, west on Fairfield to West 11th; turn left and finish at South Side Restaurant at 2207 West 11th street.; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

Res. No. 57-15.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to the transfer of stock of a C1 and C2 Liquor Permit at 6206 Broadway Avenue, North End and repealing Resolution No. 1379-14, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a C1 and C2 Liquor Permit to United Convenient Market, Inc., DBA Broadway Avenue, North End, Cleveland, Ohio 44127, Permanent No. 9159165 by Resolution No. 1379-14 adopted by the Council on October 13, 2014; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; 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 C1 and C2 Liquor Permit to United Convenient Market, Inc., DBA Broadway Avenue, North End, Cleveland, Ohio 44127, Permanent No. 9159165 be and the same is hereby withdrawn and Resolution No. 1379-14, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1590-14.

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

An emergency ordinance authorizing the Director of City Planning to apply for and accept grants from the Federal Highway Administration through their FY 2014 TIGER program and from the Northeast Ohio Area-wide Coordinating Agency for the East 105th/East 93rd Transportation Corridor Project; and authorizing the Director to employ one or more professional consultants and authorizing contracts with various agencies, entities, or individuals to implement the grant.

Approved by Directors of City Planning Commission, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance, when amended, as follows:

1. In Section 1, line 9, after "Corridor" insert "and the summarizing memo to the Development, Planning, and Sustainability Committee dated January 6, 2015".

2. In Section 2, line 3, strike "1590-14-A" and insert "1590-14-B".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

Ord. No. 1626-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$6,900,000 for the purpose of providing funds for housing and neighborhood development, and authorizing related matters.

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

The rules were suspended. Yeas 15. Nays 1. Read second time. Read third time in full. Passed. Yeas 15. Nays 1.

Those voting yea: Council Members Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, K. Johnson, Kazy, Keane, Kelley, Mitchell, Polensek, Pruitt, Reed, Zone.

Those voting nay: Council Member J. Johnson.

Absent: Council Member Dow.

Ord. No. 1627-14.

By Council Member Kelley (by departmental request).

An emergency ordinance providing for the issuance and sale of revenue bonds in a principal amount not to exceed \$16,300,000 to provide funds for economic and community development in the city and authorizing related matters.

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

The rules were suspended. Yeas 15. Nays 1. Read second time. Read third time in full. Passed. Yeas 15. Nays 1.

Those voting yea: Council Members Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, K. Johnson, Kazy, Keane, Kelley, Mitchell, Polensek, Pruitt, Reed, Zone.

Those voting nay: Council Member J. Johnson.

Absent: Council Member Dow.

Ord. No. 1628-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$34,000,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefitting public safety, health and welfare, and authorizing related matters.

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

The rules were suspended. Yeas 15. Nays 1. Read second time. Read third time in full. Passed. Yeas 15. Nays 1.

Those voting yea: Council Members Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, K. Johnson, Kazy, Keane, Kelley, Mitchell, Polensek, Pruitt, Reed, Zone.

Those voting nay: Council Member J. Johnson.

Absent: Council Member Dow.

Ord. No. 1629-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$11,000,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.

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

The rules were suspended. Yeas 15. Nays 1. Read second time. Read third time in full. Passed. Yeas 15. Nays 1.

Those voting yea: Council Members Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, K. Johnson, Kazy, Keane, Kelley, Mitchell, Polensek, Pruitt, Reed, Zone.

Those voting nay: Council Member J. Johnson.

Absent: Council Member Dow.

Ord. No. 1630-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$42,400,000 for the purpose of providing funds for bridges and roadways, and authorizing related matters.

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

The rules were suspended. Yeas 15. Nays 1. Read second time. Read third time in full. Passed. Yeas 15. Nays 1.

Those voting yea: Council Members Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, K. Johnson, Kazy, Keane, Kelley, Mitchell, Polensek, Pruitt, Reed, Zone.

Those voting nay: Council Member J. Johnson.

Absent: Council Member Dow.

MOTION

On the motion of Council Member Pruitt, the absence of Council Member TJ Dow is hereby authorized. Seconded by Council Member Kazy.

The Council Meeting adjourned at 7:33 p.m. to meet on Monday, January 26, 2015, 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

January 7, 2015

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 7, 2015 at 11:12 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Smith, Cox, Acting Director Baker, Directors McGrath, Rush, Southerington, Acting Director Thornton, Directors Fumich and O'Leary.

Absent: Mayor Jackson and Director/Interim Director Dumas.

Others: Melissa Burrows, Director, Office of Equal Opportunity.

Tiffany White, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 1-15.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 499-10, as amended by

Ordinance Nos. 1624-10, 1435-11 and 1400-12, passed by the Council of the City of Cleveland on June 7, 2010, December 6, 2010, October 31, 2011 and January 28, 2013, respectively, the firm of EnviroScience, Inc., ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide necessary Professional Environmental Analytical Laboratory Services for a period of one year, with three one-year options to renew, for the various divisions of the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with EnviroScience, Inc., for the above-mentioned services, based upon its proposal dated July 18, 2014, which contract shall be prepared by the Director of Law, shall provide that the compensation to EnviroScience, Inc., for the services authorized shall not exceed \$599,984.85 for the first year and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

<u>Sub-Consultant</u>	<u>Percentage</u>	<u>Amount</u>
Precision Analytical	19.087% (CSB)	\$209,950.00
Test America	Non-certified	\$ 10,487.50

Yeas: Directors Langhenry, Smith, Cox, Acting Director Baker, Directors McGrath, Rush, Southerington, Acting Director Thornton, Directors Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director/Interim Director Dumas.

Resolution No. 2-15.

By Director Rush.

Whereas, Board of Control Resolution No. 238-14, adopted June 4, 2014, authorized the sale and development of Permanent Parcel No. 138-11-025 to 131 Miles LLC for commercial development, as part of the City Land Reutilization Program established under Ordinance No. 2076-76, passed by the Cleveland City Council on October 25, 1976; and

Whereas, in the second paragraph, Resolution No. 238-14 incorrectly identified the Permanent Parcel No. as "138-11-025"; and

Whereas, in the seventh paragraph, Resolution No. 238-14 incorrectly identified the purchase price as "\$18,000.00", now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 238-14, adopted by this Board June 4, 2014, authorizing the sale and development of Permanent Parcel No. 138-11-025 to 131 Miles LLC for commercial development, is amended by substituting

"Permanent Parcel No. 138-11-158" for "Permanent Parcel No. 138-11-025", and substituting "\$4,200.00" for "\$18,000.00" where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 238-14 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Smith, Cox, Acting Director Baker, Directors McGrath, Rush, Southerington, Acting Director Thornton, Directors Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director/Interim Director Dumas.

Resolution No. 3-15.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 138-11-025 located at 13207 Miles Avenue; and

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

Whereas, Cleveland Housing Network, Inc. has proposed to the City to purchase and develop the parcel for permanent supportive housing; and

Whereas, the following conditions exist:

1. The member of Council from Ward 1 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Cleveland Housing Network, Inc. or its designee for the sale and development of Permanent Parcel No. 138-11-025 located at 13207 Miles 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 \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Smith, Cox, Acting Director Baker, Directors McGrath, Rush, Southerington, Acting Director Thornton, Directors Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director/Interim Director Dumas.

Resolution No. 4-15.

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. 134-14-115 located at 8209 Laumar Avenue; 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, Basic Concepts Home LLC has proposed to the City to purchase and develop the parcel for parking; and

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has either 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 Basic Concepts Home LLC for the sale and development of Permanent Parcel No. 134-14-115 located at 8209 Laumar 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 parcels shall be \$2,500.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Langhenry, Smith, Cox, Acting Director Baker, Directors McGrath, Rush, Southerington, Acting Director Thornton, Directors Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director/Interim Director Dumas.

Resolution No. 5-15.

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 Nos. 133-20-099 and 133-20-100 located on Spafford Road; 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, Gurdjiff Foundation of Ohio has proposed to the City to purchase and develop the parcels for community garden; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Gurdjiff Foundation of Ohio for the sale and development of Permanent Parcel Nos. 133-20-099 and 133-20-100 located on Spafford Road, 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 parcels shall be \$400.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Langhenry, Smith, Cox, Acting Director Baker, Directors McGrath, Rush, Southerington, Acting Director Thornton, Directors Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director/Interim Director Dumas.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other

parts of the examinations must submit to a physical examination.

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 2, 2015

9:30 A.M.

Calendar No. 14-249: Appeal of Thomas Papouras from the decision of the City Planning Commission (Ward 3)

Thomas Papouras appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the City of Cleveland Planning Commission rendered on October 17, 2014 to deny his conditional use to establish a used car sales lot in a Pedestrian Retail Overlay District at 4157 Lorain Avenue.

Violation Notice

Calendar No. 15-001: 2625 Woodhill Rd. (Ward 6)

Demond Williams appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered by the City of Cleveland Parking Violations Bureau Waste Collection and Photo Safety Division on December 8, 2014 and the violation information described on Civil Infraction Ticket Number WC00211102, issued November 18, 2014 for the property located at 2625 Woodhill Rd. and failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

POSTPONED FROM DECEMBER 15, 2014

Calendar No. 14-215: 399 East 131st Street (Ward 10)

Clement Kollin, owner, proposes to store fill dirt on a parcel located in a B3 Local Retail Business and Semi-Industry District. The owner appeals for relief from the following Sections of the Cleveland Codified Ordinances:

1. Section 343.01(b) which states that outdoor storage of dusty materials is not permitted in a Local Retail Business District.

2. Section 345.03 which states that outdoor storage of dusty materials is not permitted in a Semi-Industry District.

3. Section 345.04(a)(1)(B) which states that outdoor storage of dusty materials is first permitted in a General Industrial District.

4. Section 345.04(a)(1)(C) (3) which states that open yard storage requires a seven foot high, non-transparent fence.

5. Section 349.07(a) which states that all vehicle maneuvering areas shall be paved, and drained within the lot and no paving or drainage is shown. (Filed October 31, 2014 - No testimony)

First postponement made at the request of City Planning to allow for design review to take place.

**POSTPONED FROM
DECEMBER 22, 2014**

Calendar No. 14-66: 4157 Lorain Avenue (Ward 3)

Thomas Papouras, owner, proposes to establish a used car lot on a parcel of land that is 80' x 125', located in a D3 Local Retail Business District and a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from the strict application of the following Cleveland Zoning Code Sections:

1. Section 343.11(b)(2)(I)(4) which states that used auto sales is first permitted in General Retail Business.

2. Section 352.10 requiring a 4 foot wide frontage landscape strip along Lorain Avenue and West 42nd Street.

3. Section 352.10 requiring a 10 foot wide transition strip at the rear where the property abuts a residential district.

4. Section 347.11 requiring that the area for display of cars and customers parking must be hard surfaced and drained within lot.

5. Section 349.04(f) which states that an Auto sales lot must provide 25% of their gross lot area for customer parking.

6. Section 343.23(e)(1)(A) ~ PRO District prohibits opens sales/car lots. (Filed May 5, 2014 - No testimony)

Postponement requested by the appellant in order to allow for time to explore his legal rights as it pertains to the denial of the conditional use by the city planning commission.

**POSTPONED FROM
JANUARY 5, 2015**

Calendar No. 14-208: 1310 East 125th Street (Ward 9)

Reginald Phillips, owner, proposes to change use from tool grind shop to auto detailing shop in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that auto detailing is not permitted in a Local Retail Business District

2. Section 343.11(b)(2)(I)(2) states that auto detailing is first permitted in a General Retail Business District if located 100' from a Residential District.

3. Section 349.04(g) which states that 4 parking spaces are required and none are proposed.

4. Section 359.01 states that a substitution of a nonconforming use requires Board of Zoning Appeals approval. (Filed October 21, 2014 - No testimony)

First postponed made at the request of the City Planning Commission in order to allow for design review to take place.

**POSTPONED FROM
DECEMBER 15, 2014**

Calendar No. 14-193: 3650 East 143rd Street (Ward 2)

Shelda Brantley, owner, proposes to change use from a two-family dwelling unit to a Senior Home on a parcel located in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections

of the Cleveland Codified Ordinances:

1. Section 337.03 which states that by reference in Section 337.02(f)(3)(F) as permitted in a One-Family Residential District a home for the aged is permitted if located 30 feet away from any adjoining premises in a Residence District not used for a similar purpose and subject to Board of Zoning Appeals approval.

2. Section 349.04(d) which states that 5 accessory off-street parking spaces are required and 2 are proposed. (Filed September 30, 2014 - No testimony)

Postponement made at the request of the Councilman to allow for a public meeting.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, JANUARY 12, 2015

At the meeting of the Board of Zoning Appeals on Monday, January 12, 2015 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 14-253: 1526 West 25th Street

West 25th Street Lofts, LLC., owner, proposed to establish use as 83 dwelling units in three buildings in a D2 and D3 Local Retail Business District.

Calendar No. 14-203: Clinton Avenue Marge Misak, owner, appeals to construct an accessory structure and install rain water collection barrels within the front yard contrary to Section 337.23(a).

The following appeal was **DENIED:**

Calendar No. 14-241: 1331 West 65th Street

Gheorghe Bera, owner, appealed the Violation Notice V14034126 issued on October 24, 2014.

The following appeals were **DISMISSED:**

None.

The following appeal was **WITHDRAWN:**

Calendar No. 14-224: 4098 Lee Road Gary Thomas, owner, appealed the Violation Notice V14033314 issued on October 17, 2014.

The following appeals were **POSTPONED:**

Calendar No. 14-243: F and M Inc., 4960 Pearl Road. Postponed to May 26, 2015.

Calendar No. 14-244: Ashley Pickles 4808 Pearl Road. Postponed to March 30, 2015.

Calendar No. 14-245: Mathile Saad 4100 Pearl Road. Postponed to March 30, 2015.

Calendar No. 14-247: Briggitte Harper 10402-10404 Harvard. Postponed to March 9, 2015.

The following appeals were heard at the Board of Zoning Appeals on Monday, January 5, 2015, and the decisions were adopted and approved on January 12, 2015:

The following appeal was **APPROVED:**

Calendar No. 14-229: 1326 West 116th Street

House Under the Green Bottle, owner, appealed to demolish the existing parking lot and install new parking lot with striping in a B2 Semi-Industry District.

Secretary

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

Re: Report of the Meeting of
January 7, 2015

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-200-14.

RE: Appeal of Robert C. Johnson, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 2791 East 127th Street from a NOTICE OF VIOLATION — HVAC, dated September 23, 2014, 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 and permit the existing return air to remain, with the provision that there be no obstruction around the return air on the first floor and in the basement area no obstruction within five (5) feet of the termination of a duct in the basement. Motion so in order. Motioned by Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-201-14.

RE: Appeal of Leona Hines, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 7438 Star Avenue from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated October 22, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 1, 2015 in which to complete abatement of the violations, noting that all permits have been obtained and that the City is monitoring the progress. The property is REMANDED at this time to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-202-14.

RE: Appeal of Pearl Petty, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 11335 Knowlton Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 2, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until March 31, 2015 in which to abate the violations. The property is REMANDED at this time to the Department of Building and Housing. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-203-14.

RE: Appeal of Deer, LLC C/O James Reed, Owner of the A-2 Assembly - Nite Clubs, Restaurants Two Story Masonry Property, located on the premises known as 4102-4104 Lee Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 29, 2014, the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until March 31, 2015 in which to abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-204-14.

RE: Appeal of Vernon O. Norman, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 10712 Bryant Avenue from an ORDER TO VACATE, NOTICE OF VIOLATION — UNAUTHORIZED/ILLEGAL USE, dated October 15, 2014 of the Director of the Department of Building and Housing,

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

BE IT RESOLVED, a motion is in order at this time to find that the Order To Vacate and the Notice of Violation, was properly issued; the appeal is DENIED and the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-205-14.

RE: Appeal of M40 Team, LLC, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3153 West 106th Street (Front) from an ORDER TO VACATE, NOTICE OF VIOLATION — UNAUTHORIZED/ILLEGAL USE, NO PERMIT, dated October 27, 2014, 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-205-14 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-206-14.

RE: Appeal of M40 Team, LLC, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3153 West 106th Street (Rear) from an ORDER TO VACATE, NOTICE OF VIOLATION — UNAUTHORIZED/ILLEGAL USE, NO PERMIT, dated October 27, 2014, 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-206-14 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-207-14.

RE: Appeal of Adrian E. Hills, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 1757 Avalon Road from a NOTICE OF VIOLATIONS — EXTERIOR MAINTENANCE, dated October 16, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until May 1, 2015 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. Saab and seconded by Mr. Gallagher.

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

Docket A-208-14.

RE: Appeal of Brian Norris, Owner of the One Dwelling Unit Single-Family Residence Three Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 5820 Detroit Avenue from a NOTICE OF VIOLATION — NO PERMITS, dated September 29, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-210-14.

RE: Appeal of Loren Naji, Owner of the Property, located on the premises known as 2138 West 25th Street from a NOTICE OF VIOLATION — FIRE CODE, dated October 10, 2014 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 uphold the Notice of Violation — Fire Code and to require that a manual fire alarm system be installed per the Codified Ordinances of the City of Cleveland. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-229-14.

RE: Appeal of Case Western Reserve University, Owner of the Property, located on the premises known as 1855 Ansel Drive from an ADJUDICATION ORDER, dated November 12, 2014 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 request to classify the building type classification due to the upper floors being unoccupied and the additional fire proofing on the steel brings the structure into compliance with the intent of the Code for a Type 2A Construction. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-232-14.

RE: Appeal of Drury Southwest, Inc., Owner of the Property, located on the premises known as 1380 East 6th Street from an ADJUDICATION ORDER, dated December 1, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that Room 323 is compliant with the requirements of the Code, noting that the occupancy, per the code, is permitted at 142 and that the Appellant is limiting the occupancy by the furniture layout to 49 occupants; the exit situation has met the intent of the Code by the fact that the rated stairwells discharge within approximately 30' of the doors to the exterior, and that all areas are smoke detected and sprinklered, the accessibility is judged meeting the intent of the Code because the entrances are ramped and there are systems available in all the areas to allow the accessibility requirement to be met by assisting personnel, and that personnel will be available seven (7) days a week and twenty-four (24) hours a day, and also noting that the accessibility compliance can be superseded by Federal ADA requirements should they occur, Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Mr. Gallagher.

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

* * *

EXTENSION OF TIME:

Docket A-215-12

Cuyahoga County Department of Public Works - 9300 Quincy Avenue: A motion is in order at this time to grant the Appellant until February 1, 2015 in which to submit a plan outlining their proposed revisions and the time schedule for implementation to the Board, Fire Prevention Bureau, and to the Department of Building and Housing.

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

* * *

APPROVAL OF RESOLUTIONS FROM DECEMBER 3, 2014:

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

- A-173-14 — NDNMD, Inc.
- A-186-14 — Sarah Gardner
- A-187-14 — Tamekia Madden
- A-189-14 — Anna Chambers
- A-190-14 — Anderson Russell
- A-191-14 — Gabriel Pardamean
- A-195-14 — WMW Management
- A-196-14 — Eva Caraballo
- A-215-14 — Matthew Martinez
- A-219-14 — Lei Wei
- A-222-14 — Gateway Economic Dev. Corp.
- A-226-14 — NDNMD, Inc.

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

* * *

APPROVAL OF MINUTES FROM DECEMBER 3, 2014:

Separate motions were entered by Mr. Saab and seconded by Mr. Maschke 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):

December 3, 2014

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

* * *

APPROVAL OF RESOLUTIONS FROM DECEMBER 17, 2014:

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

- A-99-14 — Simon Roofing/Vross Simon, LLC
- A-192-14 — Nemet Capital
- A-193-14 — Terry Tamallo C/O Sam Riolo
- A-194-14 — Simon Roofing/Vross Simon, LLC
- A-197-14 — Suhair Wahdan
- A-198-14 — Wells Fargo Bank, N.A.
- A-199-14 — Shakertown Apartments, Ltd.
- A-224-14 — Shakertown Apartments, Ltd.

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

* * *

APPROVAL OF MINUTES FROM DECEMBER 17, 2014:

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

December 17, 2014

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

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

**DATE OF PUBLIC NOTICE:
JANUARY 6, 2015**
**OHIO ENVIRONMENTAL
PROTECTION AGENCY,
DIVISION OF SURFACE WATER**

**NOTICE OF RECEIPT OF
401 APPLICATION AND
PUBLIC HEARING**

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an

application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 water quality certification for a project to perform the annual maintenance dredging in the Cleveland Harbor Federal navigation channels. The application was submitted by the U.S. Army Corps of Engineers (USACE), Buffalo District. This year's dredging will take place within the Cuyahoga River, and in Cleveland Harbor, which is located at the mouth of the Cuyahoga River. The Buffalo District Corps of Engineers Public Notice Number for this project is CLEVELAND-15. The Ohio EPA ID Number for this project is 144574.

As required by the Anti-degradation Rule, 3745-1-05, of the Ohio Administrative Code (OAC), three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would entail the dredging of an estimated 475,000 cubic yards of material, with placement of 295,000 cubic yards of the dredged material at the existing Cleveland Harbor CDFs and 180,000 cubic yards going to a new open-lake disposal area in Lake Erie (CLA-1). The applicant's proposed minimal degradation alternative, if approved, would entail the dredging of an estimated 225,000 cubic yards of material, with placement of 45,000 cubic yards of the dredged material at the existing Cleveland Harbor CDFs and 180,000 cubic yards going to a new open-lake disposal areas in Lake Erie (CLA-1). The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Cuyahoga River and Lake Erie. Ohio EPA will review the application, and decide whether to grant or deny the application, in accordance with OAC Chapters 3745-1 and 3745-32. In accordance with OAC rule 3745-1-05, an anti-degradation review of the application will be conducted before deciding whether to allow a lowering of water quality. All three proposed alternatives will be considered during the review process. No exclusions or waivers, as outlined by OAC rule 3745-1-05, apply or may be granted.

Starting January 6, 2015, copies of the application and technical support information may be inspected on Ohio EPA-DSW website: www.epa.ohio.gov/dsw

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on February 24, 2015 at 6:00 p.m. at the Cleveland Metroparks' Watershed Stewardship Center at West Creek, 2277 West Ridgewood Drive, Parma, OH 44134. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the project.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed project. The purpose of the hearing is to obtain additional information that will be considered by Ohio EPA prior to any further action on the application.

Ohio EPA will continue to accept written comments on the application through the close of business on March 3, 2015. Comments received after this date may not be considered as part of the official record of the hearing. Anyone may submit written comments or requests to be placed on a mailing list for information by writing to: Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

January 14, 2015, January 21, 2015,
January 28, 2015

VENDOR RULES AND REGULATIONS

(VENDING IN ZONES 1, 2, 3 EFFECTIVE NOVEMBER 28, 2011 & MOBILE VENDING IN THE CENTRAL BUSINESS DISTRICT EFFECTIVE JUNE 12, 2014)

Pursuant to Section 675.06 and 675.061 of the Codified Ordinances of the City of Cleveland, the Director of Capital Projects hereby establishes the following zone boundaries and regulations for permissible vending in the Central Business District. These regulations do not apply to the Temporary Sidewalk Occupancy Permits issued under Chapter 508.

A. PERMIT REQUIRED

(1) A permit is required in each of the following circumstances when vending is occurring upon the highways, streets, or sidewalks, or to business invitees upon or from private property:

a. No person shall engage in vending upon or from private property anywhere in the City without a permit issued in accordance with Section 675.05;

b. No person shall engage in vending upon or from a fixed location on a sidewalk within the Central Business District without a permit issued in accordance with Chapter 508 and without a permit issued in accordance with Section 675.06;

c. No person shall engage in vending while moving continuously from place to place on the highways, streets or sidewalks of the Central Business District without a permit issued in accordance with Section 675.061;

d. No person shall engage in vending upon or from a fixed location on a sidewalk outside of the Central Business District without a permit issued in accordance with Section 675.07;

e. No person shall engage in vending while moving continuously from place to place on the highways, streets, or sidewalks outside of the Central Business District without a permit issued in accordance with Section 675.08.

(2) In addition to the above permit requirements, in order to engage in vending, a vendor must also obtain a vendor's license under Codified Ordinance Sections 675.02 or

675.03 from the Commissioner of Assessments and Licenses.

B. ESTABLISHED ZONES (Section 675.06) (SEE ATTACHED MAP)

The times and hours for the specific zones are as follows:

Zone 1 - Event days only. Limited to three (3) hours before the event during the event and two (2) hours after the event. Peddling permitted only on sidewalks within the zone boundaries, should not be on private property or inside any of the malls/parks. No peddling allowed North of Lakeside Avenue (i.e. Municipal Lot, Burke Lakefront, Voinovich Park area). Fee is \$125.00 per year.

Zone 2 - Parade Days only. Limited to three (3) hours before the parade, during the parade and two (2) hours after the parade. Peddling permitted only on sidewalks within the zone boundaries. Fee is \$25.00 per event. Length of permit is one (1) day.

Zone 3 - Event days only at the Cleveland State University Convocation Center/Gateway. Limited to three (3) hours before the event, during the event and two (2) hours after the event. Peddling permitted only on the sidewalks within the zone boundaries. Fee is \$125.00 per year.

To avoid undue pedestrian and vehicular congestion, only 50 vendor permits will be issued for Zone 3 in a given permit period. This limitation does not apply to the issuance of sidewalk occupancy permits under C.O. Chapter 508. If more than 50 applications are received to Vend in Zone 3, a random selection or lottery will be used to select 50. If deemed desirable by the Director of Capital Projects, the selection process may cover more than one permit year.

East 9th Street

Only 10 vendors will be permitted to vend on the part of East 9th Street included in Zone 3. Those 10 will be selected randomly from the 50 applicants initially selected, or from all applicants, if 50 or fewer applications are received.

The Director of Capital Projects will specify whether the eligibility to vend on East 9th Street is for only part of the permit or for an entire permit year. At the discretion of the Director, the permit year may be divided into distinct periods of time, and a selection of persons eligible to vend on East 9th Street may be made for each such distinct period. No Zone 3 permitted vendor, other than those specifically authorized, shall vend on East 9th Street.

C. MOBILE VENDING IN CENTRAL BUSINESS DISTRICT (Section 675.061)

To avoid undue pedestrian and vehicular traffic congestion, only 5 permits within the Central Business District will be made available for mobile vending in a given permit period. Those 5 will be randomly selected from the applications submitted within the allowable time of June 15 thru July 15, in which a permit will be issued and shall cover

the period beginning August 1st and ending July 31st of the following year.

No mobile vendor shall operate upon or from a fixed location on a sidewalk without a permit issued under Section 675.06 or Chapter 508.

No mobile vendor should operate from any restricted area shown in the attached map.

No mobile vendor should operate from any private property without first obtaining a permit under Section 675.05.

No mobile vendor should engage in vending between the hours of midnight and 6am.

All vendors shall comply with all requirements of applicable federal, state and local laws, including, without limitation, the City's Fire Prevention Code and State of Ohio Fire Code.

D. SUSPENSION OR REVOCATION OF PERMIT

Adherence to the zone boundaries must be maintained, as there will be strict enforcement. Failure to operate within the zone boundaries and failure to comply with the terms of this Chapter (675) or with any law, rule or regulation relating to vendors or encroachments in the right-of-way of the City may result in suspension of permit. Continued violations may result in revocation of permit by the Director of Capital Projects and revocation of vendor's license by the Commissioner of Assessments and Licenses.

E. PENALTY

All vendors shall comply with the requirements of Chapter 675 and are subject to the penalty provisions under Section 675.99.

F. DISPLAY AND SELLING OF MERCHANDISE

1. No merchandise shall be displayed on fountains, trash receptacles, planters, trees, lamp posts, light poles, street furniture or any other city-owned property.

2. No merchandise shall be displayed or sold at a location which hinders or restricts access to a telephone booth, mailbox, parking meter, fire alarm call box or traffic control box.

3. No vendor's display stand, cart, container or other appurtenance or paraphernalia shall be set up along street planting, street furniture, buildings or dug into the grass.

4. Vendor's display stand, cart or container shall not be larger than 12 feet in length and 3 feet in width, must be on wheels and capable of being moved by one person.

5. No vendor shall make any loud or unreasonable noise for the purpose of advertising or drawing attention to merchandise or for any other purpose.

G. RIGHT-OF-WAY OBSTRUCTION

1. No merchandise shall be displayed or sold to the occupants of vehicles stopped in traffic or displayed or sold from a vehicle stopped in traffic.

2. No merchandise shall be displayed or sold in a manner that blocks, obstructs or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks or highways or ingress or egress to the abutting property.

3. No tents allowed on the city's right-of-way.

4. No vendor shall sell or display merchandise:

a. At any location where the sidewalk is less than ten (10) feet in width;

b. Within ten (10) feet of a crosswalk;

c. Within twenty (20) feet of another location including vendors with multiple locations;

d. Within ten (10) feet of any doorway or the prolongation of any doorway width to the curb line.

H. MAINTENANCE OF VENDING AREA/DEVICE

1. Each vendor shall remove all merchandise, packaging, paper, containers, display stands or tables, or other materials brought to the location at the termination of sales each day. No permanent stands or displays will be permitted, and are on a first come first serve day by day basis.

2. Each vendor during the period of selling shall keep the area they are selling in free from all litter and debris arising from their operation and insure that the area is cleaned

on departure from the peddling area.

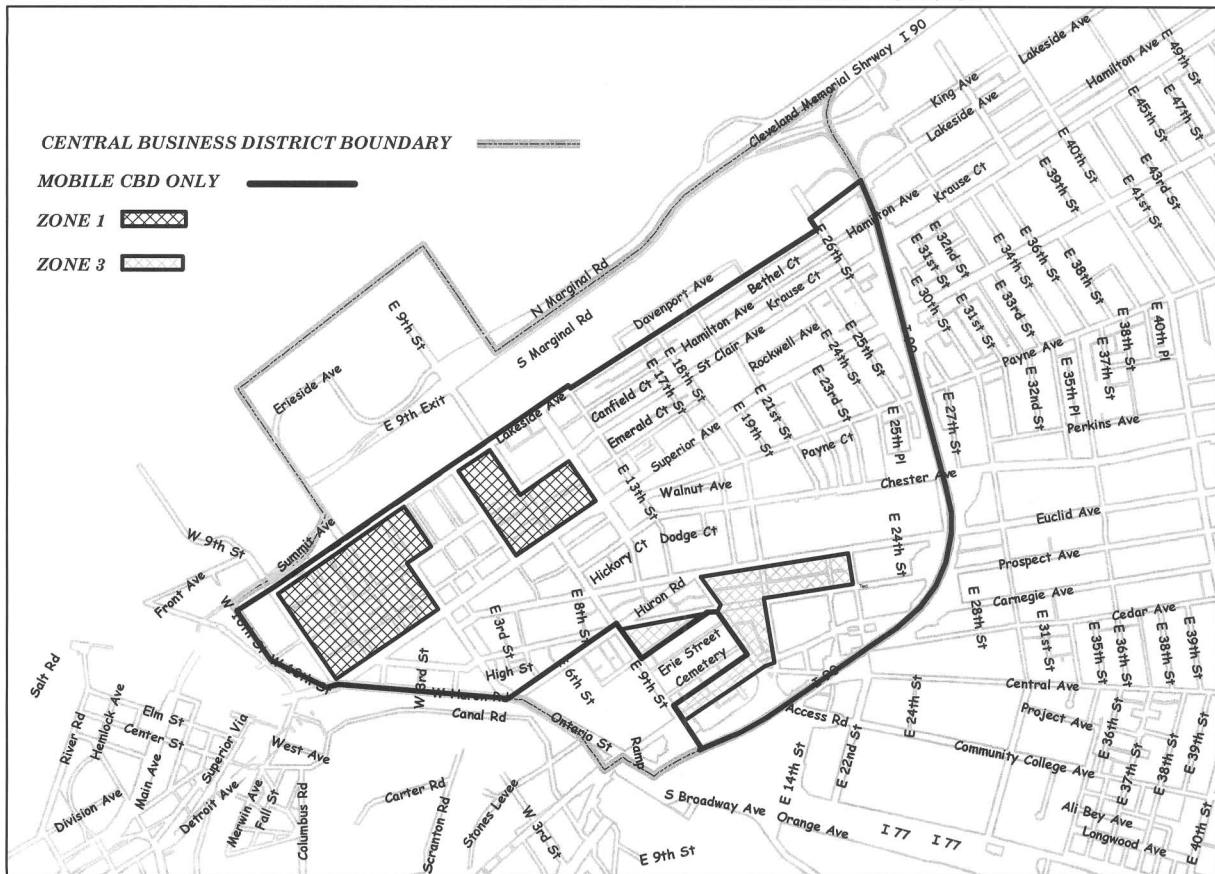
3. Each vending device must be aesthetically appropriate (clean and free from damage, rust, and corrosion) for vending.

I. MODIFICATIONS, DELETIONS OR ADDITIONS

The Director of Capital Projects may modify, delete, or add to these regulations as deemed appropriate.

MATTHEW L. SPRONZ, Director
Mayor's Office of Capital Project

THE CITY OF CLEVELAND CENTRAL BUSINESS DISTRICT



MAYOR'S OFFICE OF CAPITAL PROJECTS

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City

Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

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

Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing

to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, JANUARY 28, 2015

File No. 1-15 — Rehabilitation of MLK, Jr. Boulevard Bridge 50.28 (2-1) & 50.30 (3-1) Over Doan Brook, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 730-13 Passed Council 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).**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 15, 2015 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 518, 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. 2-15 — Exterminating Services for Various Divisions of City Government, for the Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING TUESDAY, JANUARY 20, 2015 AT 1:30 P.M. CITY HALL, THE DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

File No. 3-15 — Purchase of High Voltage Pad Mounted Switching Equipment, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 15, 2015 AT 10:00 A.M. CLEVELAND PUBLIC POWER DIVISION, TOM L.**

JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 7, 2015 and January 14, 2015

WEDNESDAY, FEBRUARY 4, 2015

File No. 4-15 — Labor & Materials Necessary to Repair, Replace, and Maintain Various Types of Valves, Actuators, and Appurtenances (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 850-14, passed by the Council of the City of Cleveland, August 20, 2014.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 22, 2015 AT 11:00 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 2ND FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

January 14, 2015 and January 21, 2015

THURSDAY, FEBRUARY 5, 2015

File No. 7-15 — Various Hydraulic Hoses, Fittings, Etc., Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, JANUARY 23, 2015 AT 10:30 A.M. CLEVELAND CITY HALL, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

January 14, 2015 and January 21, 2015

FRIDAY, FEBRUARY 6, 2015

File No. 5-15 — Purchase of Materials to Provide Off-Road Fossil Fuel and Supporting Services, for the Division of Water Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 22, 2015 AT 10:00 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 2ND FLOOR ATRIUM CONFERENCE, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

File No. 6-15 — Various Charging Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, JANUARY 23, 2015 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

January 14, 2015 and January 21, 2015

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 18-15.

By Council Member Kazy.

An emergency resolution supporting Catholic Charities Housing Corporation in its effort to develop affordable housing for senior citizens on the campus of St. Vincent de Paul Parish located at 13400 Lorain Avenue in Cleveland.

Whereas, Cleveland City Council has recognized the need for affordable housing in our neighborhoods; and

Whereas, the Catholic Charities Housing Corporation has developed a comprehensive plan to identify those areas that would be appropriate for housing developments for seniors; and

Whereas, the Catholic Charities Housing Corporation has proposed the new construction of up to 40 units in a three story elevator building comprised of one and two bedroom units designed to accommodate and will be affordable to seniors; and

Whereas, the development will meet the Enterprise Green Communities Version 3.0 criteria or LEED Certification by the U.S. Green Building Council, and will also include amenities such as community gathering space, laundry facilities, green space and parking; and

Whereas, Catholic Charities Housing Corporation will apply for funding under the Low Income Housing Tax Credit Program and the City of Cleveland Housing Trust Fund; and

Whereas, the proposal involves utilizing an under-used parking lot, including demolition of two structures which are no longer in use; and

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

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

Section 1. That this Council supports the efforts of Catholic Charities Housing Corporation to develop a senior housing complex of up to 40 units on the campus of St. Vincent de Paul Parish located at 13400 Lorain Avenue in Cleveland to provide affordable housing for senior citizens.

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

Adopted January 5, 2015.

Effective January 12, 2015.

Res. No. 25-15.

By Council Member Brancatelli.

An emergency resolution declaring this Council's support of the Cleveland Housing Network Inc.'s application to the Ohio Housing Finance Agency for low-income housing tax credits for the Slavic Village Green Homes I project.

Whereas, each year the Ohio Housing Finance Agency allocates low-income housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Cleveland City Council has recognized the need to maintain affordable housing in Cleveland's neighborhoods; and

Whereas, Slavic Village Green Homes I will consist of approximately 35 new construction single family homes in the Slavic Village neighborhood, which is one of the six Strategic Investment Initiative areas; and

Whereas, the Slavic Village Green Homes I project will strengthen and support the existing housing investment within the Slavic Village neighborhood, including Opportunity Housing, a for-sale market rate project, Cleveland Green Homes, Cleveland Green Homes East, Cleveland Green Homes II, Cleveland NSP Homes I, Cleveland Green Homes III, Trailside Homes and Habitat for Humanity homes; and

Whereas, Slavic Village is nationally recognized as the epicenter of the national home mortgage foreclosure crisis that continues to hit Ohio, and in particular, the City of Cleveland; and

Whereas, working together for over 30 years, Cleveland Housing Network, Inc. and its non-profit development partners and the City of Cleveland have demonstrated the ability to use tax credits to leverage local resources and complete successful projects that meet community development objectives concerning vacant properties and provide needed affordable housing to low-income families; and

Whereas, in the current environment of large numbers of vacant single family homes, a weak home-ownership market, and an increasing poverty rate, this tool is needed more than ever; and

Whereas, Cleveland City Council remains committed to a continued partnership with the Cleveland Housing Network Inc. and the development of Slavic Village Green Homes I project, as we work together to address the foreclosure crisis and meet the needs of our low income families for decent affordable housing; and

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

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

Section 1. That this Council supports Cleveland Housing Network Inc.'s application to the Ohio Housing Finance Agency for low-income housing tax credits for the Slavic Village Green Homes I project.

Section 2. That the Clerk of Council is hereby directed to transmit a copy

of this resolution to Robert S. Curry, Executive Director, Cleveland Housing Network, Inc.

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

Adopted January 5, 2015.
Effective January 12, 2015.

Res. No. 26-15.

By Council Member Pruitt.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 14005 Benwood Avenue.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Wdad, Inc., DBA Shortcut Deli & Beverage, 14005 Benwood Avenue, Cleveland, Ohio 44128, Permanent Number 9446170 to Short Cut Deli, Inc., 14005 Benwood Avenue, Cleveland, Ohio 44128, Permanent Number 8107930; 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 Division 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 Superintendent 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 C2 and C2X Liquor Permit from Wdad, Inc., DBA Shortcut Deli & Beverage, 14005 Benwood Avenue, Cleveland, Ohio 44128, Permanent Number 9446170 to Short Cut Deli, Inc., 14005 Benwood Avenue, Cleveland, Ohio 44128, Permanent Number 8107930; and requests the Superintendent of the Division 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.

Adopted January 5, 2015.
Effective January 12, 2015.

COUNCIL COMMITTEE MEETINGS

**Monday, January 12, 2015
9:30 a.m.**

Health and Human Services Committee: Present: Cimperman, Chair; Brady, Cleveland, Conwell, Cummins, J. Johnson. *Authorized Absence:* Mitchell.

2:00 p.m.

Finance Committee: Present: Kelley, Chair; Cleveland, Vice Chair; Brady, Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone.

**Tuesday, January 13, 2015
9:30 a.m.**

Development, Planning and Sustainability Committee: Present: Brancatelli, Chair; Cleveland, Vice Chair; Cummins, Dow, Zone. *Authorized Absence:* Cimperman, Pruitt.

**Wednesday, January 14, 2015
10:00 a.m.**

Safety Committee: Present: Zone, Chair; Conwell, Vice Chair; Cimperman, Kazy, Keane, Mitchell, Polensek.

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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