

# The City Record

Official Publication of the Council of the City of Cleveland



June the Twenty-Ninth, Two Thousand and Eleven

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

First Assistant Clerk – Sandra Franklin

**MAYOR** – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer

Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs

Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development

Monyka S. Price, Executive Assistant to the Mayor, Chief of Education

Maureen Harper, Executive Assistant to the Mayor, Chief of Communications

Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary

Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability

Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

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

**DIVISIONS:**

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager

Engineering and Construction – \_\_\_\_\_, Manager

Real Estate – \_\_\_\_\_, Commissioner

**DEPT. OF LAW** – Robert J. Triozzi, Director, Barbara A. Langhenry, Chief Counsel,

Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,

Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

**DIVISIONS:**

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – \_\_\_\_\_, Treasurer, Room 115

Financial Reporting and Control – James Gentile, Controller, Room 18

Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair

Avenue

Purchases and Supplies – James E. Hardy, Commissioner, Room 128

Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue

Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

**DIVISIONS:**

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – \_\_\_\_\_, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – \_\_\_\_\_, Commissioner

Water Pollution Control – Ollie Shaw, Commissioner

**DEPT. OF PORT CONTROL** – Ricky D. Smith, Director, Cleveland Hopkins

International Airport, 5300 Riverside Drive

**DIVISIONS:**

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

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

**OFFICES:**

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

**DIVISIONS:**

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – \_\_\_\_\_, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

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

Erievue Plaza

**DIVISIONS:**

Air Quality – Richard L. Nemeth, Commissioner

Environment – Willie Bess, Commissioner, Mural Building, 75 Erievue Plaza

Health – Karen K. Butler, Commissioner, Mural Building, 75 Erievue Plaza

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

**DIVISIONS:**

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street

Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive

Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue

Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

**DIVISIONS:**

Administrative Services – Terrence Ross, Commissioner

Fair Housing and Consumer Affairs Office – \_\_\_\_\_, Manager

Neighborhood Development – \_\_\_\_\_, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

**DIVISIONS:**

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

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

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council

Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer),

Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline

Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad,

Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

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

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

Michael Fluckinger.

**SINKING FUND COMMISSION** – Frank G. Jackson, President; Council President Martin

J. Sweeney; Betsy Hruby, Asst. Sec’y.; Sharon Dumas, Director.

**BOARD OF ZONING APPEALS** – Room 516, Carol A. Johnson, Chairman; Members: John

Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

**BOARD OF BUILDING STANDARDS AND BUILDING APPEALS** – Room 516, J.F.

Denk, Chairman; \_\_\_\_\_, Arthur Saunders, Alternate Members – D. Cox, P.

Frank, E. P. O’Brien, Richard Pace, J.S. Sullivan.

**BOARD OF REVISION OF ASSESSMENTS** – Law Director Robert J. Triozzi, President;

Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

**BOARD OF SIDEWALK APPEALS** – Service Director Jonmarie Wasik, Law Director

Robert J. Triozzi; Council Member Eugene R. Miller.

**BOARD OF REVIEW** – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities

Director Barry A. Withers; Council President Martin J. Sweeney.

**CITY PLANNING COMMISSION** – Room 501 – Robert N. Brown, Director; Anthony J.

Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean

Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

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

Render, Genesis O. Brown.

**HOUSING ADVISORY BOARD** – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan,

David Perkowski, Joan Shaver Washington, Keith Sutton.

**CLEVELAND BOXING AND WRESTLING COMMISSION** – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

**MORAL CLAIMS COMMISSION** – Law Director Robert J. Triozzi; Chairman; Finance

Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin

Kelley.

**POLICE REVIEW BOARD** – Thomas Jones, Board Chair Person; Vernon Collier, Vermel

Whalen, Nancy Cronin, Elvin Vauss.

**CLEVELAND LANDMARKS COMMISSION** – Room 519 – Jennifer Coleman, Chair;

Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey,

Allan Dreyer, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert

Keiser, Secretary.

**AUDIT COMMITTEE** – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane

Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert

J. Triozzi.

## CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

Judge Charles L. Patton, Jr. – Courtroom 13D

Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J.

Mizerak – Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief

Magistrate, Victor Perez – City Prosecutor

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, JUNE 29, 2011

No. 5090

## CITY COUNCIL

MONDAY, JUNE 27, 2011

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

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

June 22, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 22, 2011, at 10:33 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Absent: Mayor Jackson.

Others: Jomarie Wasik, Director, Office of Capital Projects.

D. Anthony, Acting Director, Office of Equal Opportunity.

James Hardy, Commissioner, Purchases & Supplies.

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

#### Resolution No. 274-11.

By Director Withers.

Whereas, Board of Control Resolution No. 143-11, adopted March 30, 2011 authorized charges by the Division of Water, Department of Public Utilities, for water service; and

Whereas, Resolution No. 143-11 incorrectly stated the effective date for the charges in Section A) **Water Rate Schedule** as "7/1/2011" and in Section B) **Fees and Charges**, Paragraph (q), as "July 1"; and

Whereas, Resolution No. 143-11 omitted the Fixed Charge for Homestead accounts - All Meter Sizes, Section A) **Water Rate Schedule**, subsections (1) and (2); now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 143-11, adopted March 30, 2011, is amended by changing the effective date for the new water rates fixed therein from "7/1/2011" and "July 1" to "7/16/2011" and "July 16", respectively, where appearing.

Be it further resolved that under Section 112 of the Charter of the City of Cleveland, charges of the Division of Water, Department of Public Utilities, for water service for Homestead accounts - All Meter Sizes, approved by the Cleveland City Council by Ordinance No. 462-11, passed May 23, 2011, are fixed as follows:

**A) WATER RATE SCHEDULE**

**1) Quarterly Water Rate Schedule for Direct Service Accounts**

**Fixed Charge\***

(Expressed in Dollars per quarter)

Description	Current	7/16/2011	1/1/2012	1/1/2013	1/1/2014	1/1/2015
All Accounts	\$7.00					
<b>Homestead — All Meter Sizes</b>		<b>\$12.50</b>	<b>\$12.50</b>	<b>\$14.00</b>	<b>\$15.50</b>	<b>\$17.00</b>

\* Fixed Charges are not prorated but apply to all quarterly bills generated in a specific calendar year.

**2) Monthly Water Rate Schedule for Direct Service Accounts**

**Fixed Charge\***

(Expressed in Dollars per month)

Description	Current	7/16/2011	1/1/2012	1/1/2013	1/1/2014	1/1/2015
All Accounts	N/A					
<b>Homestead — All Meter Sizes</b>		<b>\$4.17</b>	<b>\$4.17</b>	<b>\$4.67</b>	<b>\$5.17</b>	<b>\$5.67</b>

\*Fixed Charges are not prorated but apply to all quarterly bills generated in a specific calendar year.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 275-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of PSC Environmental Services, LLC for an estimated quantity of labor and materials for hazardous and non-hazardous waste disposal and recycling services, items 1-25, for the various Divisions of the Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on April 7, 2011 under the authority of Ordinance No. 1598-10, passed December 6, 2010, which on the basis of the estimated quantity would amount to \$235,772.00 is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$100,000.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by PSC Environmental Services, LLC for the above-mentioned services is approved:

SUBCONTRACTOR

WORK PERCENTAGE

Precision Analytical, Inc.  
(CSB/MBE) TBD  
0.00%

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 276-11.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of Concord Road Equipment Mfg., Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, Items 4, 7, 7(a), 7(b), 9, 15, 15(a), 15(b) and 15(c), for the Department of Port Control, for a period of two years, with two one-year options to renew, beginning with the date of execution of a contract, received on March 25, 2011, under the authority of Ordinance No. 190-07, passed March 12, 2007, which on the basis of the estimated quantity would amount to \$261,176.40, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$13,100.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 277-11.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of Jack Doheny Supplies Ohio, Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, Items 5, 5(a), 5(b), 10, 10(a) and 10(b), for the Department of Port Control, for a period of two years, with two one-year options to renew, beginning with the date of execution of a contract, received on March 25, 2011, under the authority of Ordinance No. 190-07, passed March 12, 2007, which on the basis of the estimated quantity would amount to \$162,400.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$8,200.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 278-11.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of Lakefront Automotive Parts, Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, Items 1, 3 and 8, for the Department of Port Control, for a period of two years, with two one-year options to renew, beginning with the date of execution of a contract, received on March 25, 2011, under the authority of Ordinance No. 190-07, passed March 12, 2007, which on the basis of the estimated quantity would amount to \$510,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$25,500.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 279-11.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of M-B Companies, Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, Items 13, 13(a) and 13(b), for the Department of Port Control, for a period of two years, with two one-year options to renew, beginning with the date of execution of a contract, received on March 25, 2011, under the authority of Ordinance No. 190-07, passed March 12, 2007, which on the basis of the estimated quantity would amount to \$104,800.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$5,250.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the

City's requirements for such labor and materials, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 280-11.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of Ohio Machinery Co. d/b/a Ohio CAT, for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, Items 14 and 14(a), for the Department of Port Control, for a period of two years, with two one-year options to renew, beginning with the date of execution of a contract, received on March 25, 2011, under the authority of Ordinance No. 190-07, passed March 12, 2007, which on the basis of the estimated quantity would amount to \$47,720.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$2,400.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 281-11.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of Southeastern Equipment Co., Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, Items 11, 11(a) and 11(b), for the Department of Port Control, for a period of two years, with two one-year options to renew, beginning with the date of execution of a contract, received on March 25, 2011, under the authority of Ordinance No. 190-07, passed March 12, 2007, which on the basis of the estimated quantity would amount to \$72,598.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$3,650.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such labor and materials, whether more or less

than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 282-11.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of United Rotary Brush Corporation, for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, Item 6, for the Department of Port Control, for a period of two years, with two one-year options to renew, beginning with the date of execution of a contract, received on March 25, 2011, under the authority of Ordinance No. 190-07, passed March 12, 2007, which on the basis of the estimated quantity would amount to \$220,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$11,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 283-11.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of West Shore Equipment, Inc., for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, Items 2, 2(a) and 2(b), for the Department of Port Control, for a period of two years, with two one-year options to renew, beginning with the date of execution of a contract, received on March 25, 2011, under the authority of Ordinance No. 190-07, passed March 12, 2007, which on the basis of the estimated quantity would amount to \$34,200.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$1,750.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 284-11.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 591-11, passed by the Council of the City of Cleveland on June 6, 2011, Hatch Mott MacDonald, LLC is selected upon the nomination of the Director of Capital Projects from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Rehabilitation of Woodland Ave. (E. 55th St. to Buckeye Rd.).

Be it further resolved that the Director of Capital Projects is authorized to enter into a written contract with Hatch Mott MacDonald, LLC based on its proposal dated March 25, 2011 provided that the compensation to be paid shall not exceed \$311,462.00. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by Hatch Mott MacDonald, LLC for the above authorized contract is approved:

Chagrin Valley Engineering,  
Ltd. (CSB)  
\$98,970.00 — (31.78%)

Aerocon Photogrammetric  
Services, Inc.  
\$2,850.00

O.R. Colan Associates  
\$27,600.00

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 285-11.**

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Apex Construction and Management Co. Inc., for the public improvement of the Ridge Road Streets Facility Renovation, Base Bid and Alternate 1, for the Department of Public Works, received on March 25, 2011, under the authority of Ordinance No. 1724-09, passed February 8, 2010, for a gross price for the improvement in the aggregate amount of \$70,350.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Works is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Apex Construction and Management Co. Inc. is approved:

<u>Subcontractor</u> <u>Amount</u>	<u>CSB/MBE/FBE</u> <u>Percentage</u>
Best Electric \$18,500.00	CSB/FBE 21.157%
Pegasus LLC \$430.00	CSB/MBE 0.678%
Warren Chaney Office Furn. \$12,000.00	CSB/FBE 18.913%
Diamond Floors LLC. \$3,300.00	0.00%
Crawford Painting \$1,935.00	0.00%

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 286-11.**

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Hermetic & Supply, for various HVAC/R heating, ventilating, air conditioning and refrigeration equipment, controls and miscellaneous materials, all items, for the Division of Property Management, Department of Public Works, for a period of two years, beginning with the date of execution of a contract, received on April 15, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$300,000.00 for two years, is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$15,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 287-11.**

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel Nos. 119-

01-006 (part of) and 119-01-007, located at East 79th Street and 1827 East 79th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 755-11 passed June 6, 2011, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Alvin R. Sharp has proposed to the City to purchase and develop the parcels for new housing construction; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 755-11, passed by the Cleveland City Council June 6, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Alvin R. Sharp for the sale and development of Permanent Parcel Nos. 119-01-006 (part of) and 119-01-007, as described in the Ordinance 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 parcels shall be \$100.00 each, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 287-11.**

By Director Southerington.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 183-11, passed by the Council of the City of Cleveland on April 4, 2011, The Center for Families and Children is selected from a list of firms determined after a full and complete canvass by the Director of Human Resources as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to administer the City's Employee Assistance Program, for the Department of Human Resources.

Be it further resolved that the Director of Human Resources is authorized to enter into contract with The Center for Families and Children, based on its proposal dated May 17, 2011, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for an aggregate fee of \$168,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Director Fumich and Acting Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES****General Information**

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

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

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

**PHYSICAL EXAMINATION:** All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, JULY 11, 2011**

**9:30 A.M.**

**Calendar No. 11-85:** 3159 West 11th Street (Ward 3)

Brian Jones, owner, and Steve Siedlecki, agent, appeal to change use from a two family dwelling to a museum (devoted to the motion picture "A Christmas Story") located on a 43' x 125' lot in a B1 Two-Family District; subject to the limitations of Section 337.02(f)(3)(a) a museum open to public tours and exhibition must be at least 30 feet from adjoining premises and requires Board of Zoning Appeals approval to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if such building and use is appropriately located and designed, and will meet a community need without adversely affecting the neighborhood.

**Calendar No. 11-86:** 1103 Rowley Avenue (Ward 3)

Brian Jones, owner, and Steve Siedlecki, agent, appeal to change use from a two family dwelling to a museum (devoted to the motion picture, "A Christmas Story") located on a 60' x 93' lot in a B1 Local Retail Business District; subject to the limitations of Section 337.02(f)(3)(a) and pursuant to 343.01(b)(1) in a one family residential district and a Local Retail Business District, a museum open to public tours and exhibition must be at least 30 feet from an adjoining premises and requires Board of Zoning Appeals approval to determine

if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if such building and use is appropriately located and designed and will meet a community need without adversely affecting the neighborhood.

**Calendar No. 11-87:** 3166 West 11th Street (Ward 3)

Brian Jones, owner, and Steve Siedlecki, agent, appeal to change use from a single family dwelling to a museum gift shop (devoted to the motion picture, "A Christmas Story") located on a 40' x 60' parcel in a B1 Two-Family District; and the proposed use is not permitted under the limitations in Section 337.03, and six authorized, accessory off-street parking spaces are required, according to Section 349.04(f) and determined at the rate of one space per 500 square feet of gross floor area.

**Calendar No. 11-91:** 10904-08 Clifton Boulevard (Ward 16)

Wynmar Building LLC, owner, and Anthony DeRigo, prospective tenant, appeal to establish use for piercing and tattooing in a store space of a three-story mixed use building located on a 60' x 128.19' lot in a G3 Multi-Family District; subject to the limitations of Section 343.01(b) the use is not permitted and first allowed in a General Retail Business District where it must be at least 1,000 feet from a residence district and the proposed use is located in a residential district, contrary to the provisions in Section 347.12(b)(1) in the Cleveland Codified Ordinances.

**Calendar No. 11-93:** 10015 Walford Avenue (Ward 16)

Walford Industrial Park LLC aka Midwest Box Company, owner, Ray Petro dba Ray's Indoor Mountain Bike Park LLC, tenant, appeal to expand use for a recreational center into an existing structure located on acreage in Semi and General Industry Districts; subject to the provisions of Section 359.01(a), use of building or land for which a permit has been lawfully issued may be continued, but no expansion shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use is permitted except by special permit from the Board of Zoning Appeals, issued only if the Board finds after public hearing that such substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced in daily hours or other period of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use; and under Section 347.12(a)(1) the proposed use, expansion, is within 50 feet of a Two-Family District and a distance of 500 feet is required by the Cleveland Codified Ordinances.

**Calendar No. 11-99:** 16001 Holmes Avenue (Ward 11)

Valerie Brown, owner, and Dana Fort, prospective tenant, appeal to establish use as a beauty salon in

the first floor of a two-story building located on a 44' x 160' corner lot in a B1 Two-Family District, where the proposed use is not permitted under Section 337.03 and is first permitted in a Local Retail Business District according to Section 343.01 in the Cleveland Codified Ordinances.

**Calendar No. 11-104:** 720-754 East 155th Street (Ward 11)

The Catholic Diocese of Cleveland, owner, and St. Mary Parish, tenant, appeal to construct a parking lot on property located in a B1 Two-Family District, and under Section 349.13(c)(d) the Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a Residence District for a parking lot, when the best interests of the community will be served; and in the provisions of Section 357.14(a), parking of motor vehicles within the twenty feet front yard setback (alignment to existing building lines) is a prohibited yard encroachment; and no portion of a fence within thirty feet of an intersection of two street right-of-way lines shall exceed two and one-half feet in height, unless all portions of fence above two and one-half feet in height are at least seventy-five percent open; and the same restrictions apply to any portion of fence located along or parallel to a driveway within fifteen feet of its intersection with a public sidewalk or public street if no sidewalk is present, according to Section 358.03(a) and fences within the front yard setback shall not exceed four feet in height and shall be at least fifty percent open as required under Section 358.04(a) in the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, JUNE 27, 2011**

At the meeting of the Board of Zoning Appeals on Monday, June 27, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 11-88:** 10800 Lorain Avenue

Taco Bell Corporation, owner, and Lou Belknap of Agile Sign, agent, appealed to erect a single faced, menu board ground sign in a C1 Shopping Center District.

**Calendar No. 11-89:** 12120 Farrington Avenue

Margaret Janet Hood appealed to install a wheelchair lift and landing in the front yard of a single family dwelling in a B1 Two-Family District.

**Calendar No. 11-94:** 11725 Union Avenue

Mary Allen appealed to install 63 linear feet of 6 foot high fence and a 12 foot wide drive gate along the actual side street and within one foot of the property line of a corner lot in a B1 Two-Family District; subject to condition.

The following appeal was **Denied**:

Shirley Russell appealed to change use from storage to a motor vehicle major repair shop in a C2 Local Retail business District.

The following appeal was **Withdrawn**:

**Calendar No. 11-90:** Notice of Violation 1285 East 17th Street Irvin Grossman appealed from a Notice of Violation issued by the Building and Housing Department for failure to comply with Sections 349.07(a) and (b) of the Cleveland Codified Ordinances.

The following appeals were **Dismissed**:

None.

The following appeals were **Postponed**:

**Calendar No. 11-67:** 1261 West 76th Street postponed to August 8, 2011.

**Calendar No. 11-70:** 4106 Pearl Road postponed to August 8, 2011.

The following appeals heard by the Board on June 20, 2011 were adopted and approved on June 27, 2011.

The following appeals were **Approved**:

**Calendar No. 11-80:** 2068 West 32nd Street Providence House appealed to establish use for child care in a new one-story building located in a Two-Family District.

**Calendar No. 11-83:** 2141 Broadview Road Joe Coreno, owner, and Joe Phillips, lessee, appealed to establish use for piercing and tattooing in a one-story store space located on a Local Retail Business District.

**Calendar No. 11-84:** 1859-65 West 25th Street Heil Building Inc., owner, appealed to construct a permanent deck in the courtyard of an existing, nonconforming bar with entertainment in a General Retail Business District.

Secretary

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

Re: Report of the Meeting of June 22, 2011

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-439-10.**  
RE: Appeal of Antonio Cook, Owner of the Two Dwelling Units

Two-Family Residence Two & One-half Story Frame Property located on the premises known as 11101 Nelson Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 8, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all required permits and six (6) months in which to complete abatement of all violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

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**Docket A-443-10.**

RE: Appeal of Kiana Roberts, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 2321 East 89th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated June 7, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

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**Docket A-444-10.**

RE: Appeal of Kiana Roberts, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 2307 East 101st Street from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated April 10, 2008 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 one (1) month in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

**Docket A-445-10.**

RE: Appeal of Kiana Roberts, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 1103 East 64th Street from a 30 DAY CONDEMNATION ORDER, dated December 29, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations with extensions depending upon the inspectors approval of the progress of the work during that period of time, with the request that all the exterior work be completed first; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-446-10.**

RE: Appeal of K.M. Progressive Builders & Remodelers LLC, Owner of the Three Dwelling Units Three-Family Residence Two & One-half Story Masonry Property located on the premises known as 3398 East 135th Street from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated November 4, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to complete abatement of all violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

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**Docket A-448-10.**

RE: Appeal of Callender-Brooks LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 13219 Crennell Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated October 20, 2010 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 three (3) months in which to complete abatement of all violations with the requirement that the Appellant obtain all required permits and complete the exterior violations first; the property is REMANDED at this time to the Department of Building and Hous-



ing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

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**Docket A-449-10.**

RE: Appeal of Richard Mason II, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Property located on the premises known as 476 East 148th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 12, 2010 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-449-10 have been POSTPONED; to be rescheduled for July 6, 2011.

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**Docket A-450-10.**

RE: Appeal of Paula M. Semenech, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property located on the premises known as 4564 West 145th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated October 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

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**Docket A-451-10.**

RE: Appeal of Roy Legg, Owner of the Two Dwelling units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 3128 Chestnutdale Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 18, 2010 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 three (3) months in which complete abatement of all violations with the requirement that the exterior work be completed first; 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. Saunders and seconded by Mr. Gallagher.

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

**Docket A-454-10.**

RE: Appeal of Ocey Scott, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 3358 East 123rd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 5, 2010, and from a CONDEMNATION ORDER — GARAGE, dated July 13, 2009, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to complete abatement of the violations, noting that there is good progress on the work; if an extension is required, the inspector may grant it; the property is REMANDED at this time to the Department of Building and Housing supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-457-10.**

RE: Appeal of Gertrudis Ramos, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 2041 West 91st Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, and from a CONDEMNATION ORDER — GARAGE, both dated September 30, 2010 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-457-10 has been WITHDRAWN at the request of the Appellant.

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**Docket A-460-10.**

RE: Appeal of Rosemary Dudley, 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 1945 Hilton Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated October 20, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to complete abatement of all violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

**Docket A-461-10.**

RE: Appeal of Carmella Vaughters, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 3419 East 121st Street from a NOTICE OF VIOLATIONS — EXTERIOR MAINTENANCE, dated October 27, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

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**Docket A-464-10.**

RE: Appeal of Duran Brown, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 727 East 117th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 23, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was property issued based upon the testimony from the inspector; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-465-10.**

RE: Appeal of Ronald B. Shine, Owner of the One Dwelling Unit single-Family Residence Two & One-half Story Frame Property located on the premises known as 9715 Easton Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated November 2, 2010 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 three (3) months in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

**Docket A-467-10.**

RE: Appeal of William Daniel, Owner of the VL Vacant Lot Property located on the premises known as 2933 East 83rd Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated October 12, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require that all debris on the property be removed in quarterly increments within six (6) months, noting that if during any quarter debris is not removed, the property is REMANDED immediately to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-479-10.**

RE: Appeal of West Park Knights of Columbus & Party Center, Owner of the Property located on the premises known as 3556 West 130th Street from a NOTICE OF VIOLATION — FIRE CODE, dated September 27, 2010 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and to allow the building to exist without a fire alarm system with removal of the communicating doors and modification of the jams so that the doors can't be replaced by someone not familiar with the variance. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

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**Docket A-162-11.**

RE: Appeal of Stark 1350, LLC and Orange Barrel Media, LLC, Owner of the B Business - Offices, Laboratories, Adult School High-Rise Building Property located on the premises known as 1350 West 3rd Street from a NOTICE OF VIOLATION — DISPLAY SIGNS, dated April 14, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-162-11 have been POSTPONED; to be rescheduled for July 6, 2011.

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**Docket A-179-11.**

RE: Appeal of Anthony E. Beckham (B & M BBQ & Catering), Owner of the Property located on the premises known as 15116 Lakeshore Boulevard from a NOTICE OF VIOLATION — FIRE CODE, dated June 2, 2011 of the Chief of the Division of Fire, requiring

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

BE IT RESOLVED, a motion is in order at this time to require the Appellant to submit plans and have them approved and abate the violations within one (1) month; and to require that a City of Cleveland Fire Prevention Bureau FIRE WATCH be obtained, by the Appellant for any events that occur during that period of time. 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. Saab and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-183-11.**

RE: Appeal of Fahim Eddir, Owner of the Property located on the premises known as 3645 West 117th Street from a ABATEMENT ORDER — FIRE CODE, dated June 7, 2011 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the Appellant to remove the fire alarm system at his discretion. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-184-11.**

RE: Appeal of 1460 Ninth Street Associates L.P. and Orange Barrel Media, LLC, Owner of the Property located on the premises known as 833 Superior Avenue from a NOTICE OF VIOLATION — UNAUTHORIZED SIGN, dated June 2, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-184-11 have been POSTPONED; to be rescheduled for July 6, 2011.

\* \* \*

**Docket A-185-11.**

RE: Appeal of Stark 1350, LLC and Orange Barrel Media, LLC, Owner of the B Business - Offices, Laboratories, Adult School High-Rise Building Property located on the premises known as 1350 West 3rd Street from a NOTICE OF VIOLATION — DISPLAY SIGNS, dated April 14, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-185-11 have been POSTPONED; to be rescheduled for July 6, 2011.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley for Approval and Adoption

of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-393-10 — Chariot House Investments, Ltd.
- A-394-10 — Chariot House Investments, Ltd.
- A-395-10 — Leo Vovk
- A-424-10 — San Scott Investments, LLC
- A-428-10 — Peca Properties
- A-431-10 — Daniel Belcher
- A-432-10 — Gilbert Tutino
- A-434-10 — Arthur Leeson Sr.
- A-435-10 — Marion G. Kozelka
- A-437-10 — Darlene Pride
- A-453-10 — Dorinda Brady
- A-165-11 — Clear Channel Outdoor
- A-172-11 — Brian Lyons/Cocktails Cleveland

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

\* \* \*

**APPROVAL OF MINUTES:**

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

June 8, 2011

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

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

**REQUEST FOR PROPOSALS**

Request for Proposals from qualified vendors to provide the professional services necessary to update, print, and bind the Codified Ordinances of the City of Cleveland, to provide an annual review and comparison of the Codified Ordinances to the Ohio Revised Code, and to provide webhosting services to maintain and regularly update the Codified Ordinances. Proposals due by Friday, July 15, 2011 at 4:00 p.m. For more information and to see the Request for Proposals, go to [www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org) or call (216) 664-4198.

Patricia J. Britt,  
Clerk of Council

June 15, 2011, June 22, 2011, June 29, 2011, July 6, 2011 and July 13, 2011

**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."

## THURSDAY, JULY 14, 2011

**File No. 104-11 — Maintaining Detention Facilities and Structures 2011-2012**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 651-09, passed by the Council of the City of Cleveland, June 8, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, JULY 6, 2011 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

June 22, 2011 and June 29, 2011

## FRIDAY, JULY 15, 2011

**File No. 103-11 — Maintenance of Decorative and Special Lighting**, for the Division of Cleveland Public Power, Department of Public Utilities.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 30, 2011 AT 11:00 A.M. THE CLEVELAND PUBLIC POWER DIVISION, TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

June 29, 2011 and July 6, 2011

## FRIDAY, JULY 15, 2011

**File No. 105-11 2011 — Ball Diamond Improvements, Package A**, for the Division of Architecture and Site Development, Department of Public Works and Mayor's Office of Capital Projects, as authorized by Ordinance No. 452-11, passed by the Council of the City of Cleveland, May 16, 2011.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JULY 7, 2011 AT 2:00 P.M. THE CLEVELAND PUBLIC AUDITORIUM, 500 LAKESIDE AVENUE, THIRD FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44114.

June 22, 2011, June 29, 2011 and July 6, 2011

## THURSDAY, JULY 21, 2011

**File No. 106-11 — Various Paper Products and Print Services**, for the Cleveland City Council, as authorized by Ordinance No. 556-11, passed by the Council of the City of Cleveland, April 25, 2011.

THERE WILL BE A **MANDATORY PRE-BID MEETING** WEDNESDAY, JULY 6, 2011 AT 10:00 A.M. CLEVELAND CITY HALL, CLEVELAND CITY COUNCIL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

**File No. 107-11 — Purchase of Hauling and Disposing of Water Plant Residuals**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 360-11, passed by the Council of the City of Cleveland, May 9, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 30, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

**File No. 108-11 — Liquid Alum and Alum Blend Coagulants**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 30, 2011 AT 11:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

June 22, 2011 and June 29, 2011

## WEDNESDAY, JULY 20, 2011

**File No. 110-11 — Labor and Materials Necessary to Maintain or Replace Interior Landscaping**, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JULY 8, 2011 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S, CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

June 29, 2011 and July 6, 2011

## FRIDAY, JULY 22, 2011

**File No. 111-11 — Asphalt Recyclers**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1620-09, passed by the Council of the City of Cleveland, November 23, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JULY 8, 2011 AT 10:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**File No. 112-11 — Collinwood Recreation Center Furniture Project**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 597-09, passed by the Council of the City of Cleveland, June 8, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JULY 7, 2011 AT 2:00 P.M. CLEVELAND CITY HALL, DIVISION OF RECREATION, ROOM 8, CONFERENCE ROOM, CLEVELAND, OHIO 44114.

**File No. 113-11 — Materials to Provide Off-Road Fossil Fuel and Supporting Services (Re-bid)**, 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, JULY 7, 2011 AT

10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

June 29, 2011 and July 6, 2011

**FRIDAY, JULY 29, 2011**

**File No. 109-11 — Disposal of Catch Basin Debris**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.29 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A MANDATORY PRE-BID MEETING FRIDAY, JULY 8, 2011 AT 11:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.**

**THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

June 29, 2011 and July 6, 2011

**WEDNESDAY, AUGUST 3, 2011**

**File No. 115-11 — Computer Hardware, Software and Services**, for the Division of Information Technology and Services, Department of Finance, as authorized by Ordinance No. 1350-10, passed by the Council of the City of Cleveland, November 10, 2010.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, JULY 13, 2011 AT 2:00 P.M. INFORMATION TECHNOLOGY AND SERVICES, 4TH FLOOR CONFERENCE ROOM, 205 WEST SAINT CLAIR AVENUE, CLEVELAND, OHIO 44113.**

June 29, 2011 and July 6, 2011

**THURSDAY, AUGUST 4, 2011**

**File No. 114-11 — Morgan Raw Water Pump Station Mechanical, Electrical and Miscellaneous Improvements, Project No. 608**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 816-11, passed by the Council of the City of Cleveland, Pending.

**THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE-HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, JULY 8, 2011 AT 1:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

June 29, 2011 and July 6, 2011

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Ord. No. 680-11.**

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

**An emergency ordinance to approve the form and authorize the execution of a power sales contract with American Municipal Power, Inc., and taking other actions in connection therewith regarding participation in the AMP Fremont Energy Center.**

Whereas, the City of Cleveland, Ohio ("hereinafter Municipality") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

Whereas, in order to satisfy the electric power and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to do so in the future, economical and reliable power and energy from, or arranged by, American Municipal Power, Inc. (hereinafter "AMP"), of which Municipality is a Member; and

Whereas, Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly, endeavors to arrange for reliable, reasonably priced supplies of electric power and energy for ultimate delivery to its customers; and

Whereas, it is efficient and economical to act jointly in such regard; and

Whereas, AMP is an Ohio non-profit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish technical services on a cooperative, non-profit basis, for the mutual benefit of its Members, such Members, including the Municipality, being, and to be, political subdivisions of their respective states that operate electric systems in, as of the date of adoption hereof, Kentucky, Michigan, Ohio, Pennsylvania, Virginia and West Virginia; and

Whereas, each of the Members owns and operates its electric system for the benefit of its customers; and

Whereas, certain of the Members, including the Municipality, have determined it requires additional, long-term sources of reliable, environmentally sound and reasonably priced electric capacity and energy and has requested that AMP arrange for the same; and

Whereas, in furtherance of such purpose, Municipality, along with other Members (collectively "Participants") request and AMP agrees and intends to finance, construct, operate and own up to a one hundred percent (100%), and in any case not less than an eighty percent (80%), undivided ownership interest, in the Fremont Energy Center having an expected net rated electric generating capacity of approximately seven hundred seven megawatts (707 MW), to be known collectively as the American Municipal Power Fremont Energy Center

(as hereinafter defined, "AMP Fremont Energy Center"); and

Whereas, AMP has resolved, in accordance herewith, to develop, including, as appropriate, the financing, acquisition, construction, ownership and operation of, and arrangements for the acquisition, financing, payment and prepayment of fuel for, its ownership interest in the AMP Fremont Energy Center (the "Project") as well as other arrangements related thereto, which AMP and, in certain cases, the Participants, deem necessary to enable AMP to fulfill its obligations hereunder to sell and transmit, or otherwise make available, electric capacity and energy to the Participants pursuant to the Fremont Energy Center Power Sales Contract (hereinafter "PSC"); and

Whereas, in order to obtain such sources of electric capacity and energy, the Participants are willing to pay AMP for their respective rights to such electric capacity and energy and transmission service at rates that are sufficient, but only sufficient, to enable AMP to (i) recover all costs and expenses incurred with respect to, and arrangements for the acquisition, financing, payment and prepayment of fuel for, the Project as set forth herein, all other Power Sales Contract Resources obtained by AMP to supplement the Project, and related service arrangements undertaken by AMP to enable it to fulfill its obligations hereunder, and (ii) recover any other expenditures or revenues authorized hereunder; and

Whereas, AMP has investigated both a self-build of a natural gas combined cycle project as well as the acquisition of one of several existing natural gas combined cycle projects either operating or in various stages of construction; and

Whereas, AMP and certain Members have determined that the purchase of the nearly complete Fremont Energy Center from FirstEnergy is the best option for AMP Members; and

Whereas, because the expected in service date of the Fremont Energy Center is on or about January 1, 2012, certain Participants may need to have AMP rearrange their current power supply portfolio by selling certain already purchased power, principally for 2012 through 2015, into the market ("Buy-Out") and finance the cost of such transaction pursuant to the PSC; AND

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

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

**Section 1.** That the PSC between Municipality and AMP, substantially in the form placed in File No. 680-11-A, including Appendices thereto is approved, and the Director of Public Utilities (hereinafter "Director") of Municipality is hereby authorized to execute and deliver such Power Sales Contract, with such changes as the Director may approve as neither inconsistent with this Ordinance nor materially detrimental to the Municipality, his execution of the PSC to be conclusive evidence of such approval.

**Section 2.** That the Director is hereby authorized to acquire on behalf of the Municipality, as a Participant, as defined in the PSC, Power Sales Contract Resources (hereinafter "PSCR Share"), as defined in the PSC, without bid, from AMP and to execute and deliver any and all documents necessary to become a Participant in the AMP Fremont Energy Center project pursuant to the conditions set forth herein and in the PSC and to carry out its obligations thereunder and to arrange for the Buy-Out of any excess power and energy currently under contract with AMP as the Director deems in the best interests of the Municipality.

**Section 3.** That the Director, in connection with the execution and delivery of the PSC, is authorized and directed to acquire Municipality's PSCR Share (not taking into account the Step-Up as defined in the PSC), of 60,000 kilowatts, such PSCR Share to be set forth in Appendix A of the PSC.

**Section 4.** That the Director of this Municipality, as a part of such officer's official duties, is hereby appointed as Municipality's representative for any meetings or determinations of the Participants or the Participants Committee pursuant to the PSC and is authorized and directed, acting for, in the name of and on behalf of this Municipality, to vote Municipality's PSCR Share with regard to any deter-

minations regarding the AMP Fremont Energy Center project as set forth in the PSC.

**Section 5.** That the Director may appoint, in writing from time to time as necessary, another representative of the Municipality as his alternate to carry out the duties set forth in Section 4 hereof.

**Section 6.** That the price of power from the AMP Fremont Energy Center project may include recovery of up to 50%, or \$3,986,624 plus accrued interest, of Cleveland Public Power's pro rata share of the estimated, maximum potential costs of the American Municipal Power Generating Station (AMPGS) associated with Cleveland Public Power's participation in that project. Such costs shall be recoverable through the PSC as set forth therein over a period not to exceed 15 years and may be charged to customers of Cleveland public Power in the bills for electric service.

**Section 7.** That the payment to AMP of the estimated other 50% of such costs, or up to \$3,986,624 plus accrued interest, from Cleveland Public Power's operating fund (Fund 58 SF 001) is authorized to compensate AMP for the balance of Cleveland Public Power's pro rata share of the costs of the AMPGS project. The timing and amount(s) of such payment shall be determined by the Director in consultation with the Director of Finance. (RQS 2004, RL 2011-90)

**Section 8.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**Section 9.** If any section, subsection, paragraph, clause or provision or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

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

Passed June 20, 2011.

Effective June 20, 2011.

#### REPRINT

##### Ord. No. 462-11.

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

**An emergency ordinance to approve rates and charges for water service, and to amend various Sections of Chapters 531, 533, and 535 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to repeal Sections 535.07 and 535.32, as amended by Ordinance No. 1092-59, passed April 27, 1959 and Ordinance No. 99566, passed May 22, 1933, relating to rates, fees, and charges for water and water-related services.**

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

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

**Section 1.** That the rates, rules, and regulations of the Division of Water, Department of Public Utilities, for water service, fixed by the Board of Control by Resolution No. 143-11, adopted March 30, 2011, as amended by Resolution No. 274-11, adopted June 22, 2011, are approved.

**Section 2.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 531.81, as amended by Ordinance No. 778-06, passed June 5, 2006,  
 Section 533.01, as amended by Ordinance No. 778-06, passed June 5, 2006,  
 Section 533.16, as enacted by Ordinance No. 778-06, passed June 5, 2006,  
 Section 535.04, as amended by Ordinance No. 1567-07, passed October 29, 2007,  
 Section 535.05, as amended by Ordinance No. 1271-07, passed August 8, 2007,  
 Section 535.06, as amended by Ordinance No. 347-08, passed June 2, 2008,  
 Section 535.10, as enacted by Ordinance No. 1240-51, passed June 18, 1951,  
 Section 535.12, as enacted by Ordinance No. 778-06, passed June 5, 2006,  
 Section 535.15, as enacted by Ordinance No. 284-A-88, passed February 6, 1989, and  
 Section 535.21, as amended by Ordinance No. 778-06, passed June 5, 2006,  
 are amended to read as follows:

##### **Section 531.81 Fees for Engineering Services**

The Division of Water shall charge for engineering services it performs, such as plan reviews, hydraulic calculations, provision of copies of engineering drawings, processing of backflow device test and maintenance forms, conducting testing to certify contractors to perform backflow device testing and processing as-built drawings. A deposit for as-built drawings shall be collected prior to construction and shall be refunded, less the processing fee, when as-built drawings have been approved by the Division of Water. The deposit will not be refunded when the as-built drawings are incomplete or have not been submitted. Fees for processing as-built drawings shall be charged based upon the submittal format. All charges shall be under Section 535.06 of the Codified Ordinances.

##### **Section 533.01 General Provisions**

(a) *All Connections.*

(1) All water service connections and service pipes from water distribution mains supplied with water by the City shall be metered by a water meter, except connections for construction purposes or fire protection.

(2) Metering devices shall be supplied by the Division of Water, and shall remain the property of the City.

(3) Charges for metering devices and their installation and/or replacement shall be under Section 535.06 of the Codified Ordinances.

(4) Charges for metering devices supplied by the City and for their installation by the City shall be borne by the owner of or the person applying for water service to the premises.

(5) Excepting private re-registering and sewer-exempt meters, metering devices shall be replaced and/or repaired by and at the expense of the Division.

(b) *New Connections.*

(1) All new service connections and service pipes from all water distribution mains supplied with water by the City shall be metered by a water meter pursuant to the rules and regulations of the Division of Water.

(2) When vaults are required, they shall be furnished by the owner or customer and approved by the Commissioner. Vaults shall be installed by the owner or customer in strict conformity with the rules and regulations of the Department of Public Utilities.

(3) Once access to domestic water is established, but prior to a meter being installed, water consumption shall be estimated and billed at the amounts shown in the table below, at the applicable service district rates where the premise is located.

Connection (Size)	Daily MCF to be Billed
5/8"	0.04
3/4"	0.04
1"	0.05
1 1/2"	0.25
2"	0.43
3"	1.15
4"	2.45
6"	7.36
8"	13.13
10"	20.00
12"	25.65

(c) *Existing Connections.*

(1) Meters on existing service connections and service pipes shall be replaced on request of the owner or when deemed necessary by the Commissioner, subject to approval by the Director, to prevent waste or to protect the integrity of the water system or to continue the policy of metering all consumers, pursuant to rules and regulations by the Commissioner, subject to approval by the Director.

(2) Replacement, repair and maintenance of metering devices shall be performed only by authorized employees of the Division or by other authorized representatives of the Division.

(3) Charges for installation and/or replacement of metering devices may be prorated on the water bill for a period of not more than four years or may be paid in a lump sum.

(d) *Rules and Regulations.* The Director shall make and amend written rules and regulations necessary to effectuate the provisions of this chapter. The rules and regulations shall not conflict with nor waive any provisions of these Codified Ordinances.

#### **Section 533.16 Charges for Reading Registering Meters**

The charge for reading each private re-registering meter shall be under Section 535.06 of the Codified Ordinances. This charge shall be added to and made a part of the monthly or quarterly charge for water furnished through the main meter.

#### **Section 535.04 Water Rates**

(a) *Water Rates*

##### **(1) Quarterly Water Rate Schedule for Direct Service Accounts**

###### **Fixed Charge\***

(Expressed in Dollars per quarter)

Description	2011	2012	2013	2014	2015
Homestead	\$12.50	\$12.50	\$14.00	\$15.50	\$17.00
5/8" to 1" Meter	\$18.00	\$18.00	\$21.00	\$24.00	\$27.00
1 1/2" to 2" Meter	\$36.00	\$36.00	\$41.00	\$47.00	\$53.00
3" to 4" Meter	\$120.00	\$120.00	\$140.00	\$160.00	\$180.00
6" Meter	\$220.00	\$220.00	\$250.00	\$290.00	\$320.00
8" Meter	\$330.00	\$330.00	\$380.00	\$430.00	\$480.00
10" Meter	\$410.00	\$410.00	\$480.00	\$540.00	\$610.00
12" Meter	\$500.00	\$500.00	\$570.00	\$650.00	\$730.00

\* Fixed Charge for Compound Meters is based upon the larger size.

Also, Fixed Charges are not prorated but apply to all quarterly bills generated in a specific calendar year.

**Water Consumption Charges \*\***

(Expressed in Dollars per MCF)

<b>Description</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>City of Cleveland</b>					
Regular Rates					
0 to 1 MCF	\$12.58				
0 to .6 MCF	N/A	\$13.76	\$15.51	\$17.34	\$19.26
Additional MCFs	\$26.90	\$27.52	\$29.48	\$31.22	\$32.74
Homestead - All MCFs	\$5.59	\$6.88	\$8.53	\$10.41	\$12.52
<b>Low and 1st High Service Suburbs</b>					
Regular Rates					
0 to 1 MCF	\$19.50				
0 to .6 MCF	N/A	\$20.47	\$22.11	\$23.63	\$25.04
Additional MCFs	\$41.70	\$41.70	\$42.01	\$42.53	\$42.56
Homestead - All MCFs	\$8.66	\$10.23	\$12.16	\$14.18	\$16.27
<b>2nd High Service Suburbs</b>					
Regular Rates					
0 to 1 MCF	\$22.64				
0 to .6 MCF	N/A	\$24.08	\$26.38	\$28.62	\$30.82
Additional MCFs	\$48.42	\$48.42	\$50.11	\$51.51	\$52.39
Homestead - All MCFs	\$10.06	\$12.04	\$14.51	\$17.17	\$20.03
<b>3rd High Service Suburbs***</b>					
Regular Rates					
0 to 1 MCF	\$25.91				
0 to .6 MCF	N/A	\$27.62	\$30.33	\$33.00	\$35.63
Additional MCFs	\$55.41	\$55.41	\$57.63	\$59.39	\$60.57
Homestead - All MCFs	\$11.52	\$13.81	\$16.68	\$19.80	\$23.16

\*\* Water Consumption Charges are prorated if a billing cycle covers a multi-year period.

\*\*\* including all direct service communities in Medina, Summit and Geauga Counties

**(2) Monthly Water Rate Schedule for Direct Service Accounts****Fixed Charge\***

(Expressed in Dollars per month)

<b>Description</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
All Accounts					
5/8" to 1" Meter	\$6.00	\$6.00	\$7.00	\$8.00	\$9.00
1 1/2" to 2" Meter	\$12.00	\$12.00	\$14.00	\$16.00	\$18.00
3" to 4" Meter	\$40.00	\$40.00	\$47.00	\$53.00	\$60.00
6" Meter	\$73.00	\$73.00	\$83.00	\$97.00	\$107.00
8" Meter	\$110.00	\$110.00	\$127.00	\$143.00	\$160.00
10" Meter	\$137.00	\$137.00	\$160.00	\$180.00	\$203.00
12" Meter	\$167.00	\$167.00	\$190.00	\$217.00	\$243.00

\* Fixed Charge for Compound Meters is based upon the larger size

Also, Fixed Charges are not prorated but apply to all monthly bills generated in a specific calendar year.

**Water Consumption Charges\*\***

(Expressed in Dollars per MCF)

<b>Description</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>City of Cleveland</b>					
Regular Rates					
0 to .33 MCF	\$12.58				
0 to .2 MCF	N/A	\$13.76	\$15.51	\$17.34	\$19.26
Additional MCFs	\$26.90	\$27.52	\$29.48	\$31.22	\$32.74
Homestead - All MCFs	\$5.59	\$6.88	\$8.53	\$10.41	\$12.52

<b>Low and 1st High Service Suburbs</b>					
Regular Rates					
0 to .33 MCF	\$19.50				
0 to .2 MCF	N/A	\$20.47	\$22.11	\$23.63	\$25.04
Additional MCFs	\$41.70	\$41.70	\$42.01	\$42.53	\$42.56
Homestead - All MCFs	\$8.66	\$10.23	\$12.16	\$14.18	\$16.27
<b>2nd High Service Suburbs</b>					
Regular Rates					
0 to .33 MCF	\$22.64				
0 to .2 MCF	N/A	\$24.08	\$26.38	\$28.62	\$30.82
Additional MCFs	\$48.42	\$48.42	\$50.11	\$51.51	\$52.39
Homestead - All MCFs	\$10.06	\$12.04	\$14.51	\$17.17	\$20.03
<b>3rd High Service Suburbs***</b>					
Regular Rates					
0 to .33 MCF	\$25.91				
0 to .2 MCF	N/A	\$27.62	\$30.33	\$33.00	\$35.63
Additional MCFs	\$55.41	\$55.41	\$57.63	\$59.39	\$60.57
Homestead - All MCFs	\$11.52	\$13.81	\$16.68	\$19.80	\$23.16

\*\* Water consumption charges are prorated if a billing cycle covers a multi year period.

\*\*\* including all direct service communities in Medina, Summit and Geauga Counties

### (3) Monthly Master Meter Water Rate Schedule

#### Water Consumption Charges

(Expressed in Dollars per MCF)

Community	2011	2012	2013	2014	2015
Bedford	\$31.54	\$31.54	\$31.54	\$32.53	\$33.35
Chagrin Falls	\$35.76	\$35.76	\$36.14	\$37.51	\$38.56
Cleveland Heights	\$31.50	\$31.50	\$31.50	\$32.53	\$33.35
Lakewood	\$27.10	\$27.10	\$27.10	\$27.10	\$27.10
Geauga County	\$38.72	\$38.72	\$38.72	\$38.72	\$38.72

### (4) Emergency Stand By Water Rate Schedule

#### Water Consumption Charges

(Expressed in Dollars per MCF)

Community	2011	2012	2013	2014	2015
Berea	\$39.44	\$39.44	\$39.44	\$39.44	\$39.44
Lake County	\$38.36	\$38.36	\$38.36	\$38.36	\$38.36
Lorain County	\$39.44	\$39.44	\$39.44	\$39.44	\$39.44
North Ridgeville	\$31.41	\$31.41	\$31.41	\$31.41	\$31.41
Medina County	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72
Summit County	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72
Hudson	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72
Portage County	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72

1 MCF = approximately 7,500 gallons

(b) *For Master Meter communities.* All bills for water furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent added thereto. In the event that any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such municipality or district pending payment of any overdue amount.

(c) *Rates for Standby Emergency Water Service.* The rates to be charged for standby emergency water service shall consist of an annual standby fee of \$3600.00 per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty days, in thirty day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four months after written



notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

(d) *Large Industrial Customers.* All water used in excess of 62,500,000 cubic feet during a three month billing period shall be charged at a rate of seventy-five percent (75%) of the rate prescribed in this section for water used in excess of one thousand (1,000) cubic feet.

(e) *Customers supplied from more than one service district.* Customers with premises supplied with water from more than one service district shall be billed at the rate for the service district from which the predominant quantity of water is supplied.

(f) Water rates shall be charged based on the location of the water meter when determining whether a water account is located within City of Cleveland or a suburban community, or whether it is located within Cuyahoga County.

(g) All rates shall be effective on January 1 of each year, except for 2011 which shall be effective July 16, 2011.

**Section 535.05 Affordability Programs**

(a) *Special Homestead Rate.* Homesteads that are single family residential property owned and occupied by a person sixty-five years of age or older whose total annual income does not exceed the limits listed below or homesteads that are single family residential property owned and occupied by a person permanently and totally disabled whose total annual income does not exceed the limits listed below may be eligible for the special homestead rate established for the service district in which the homestead is located under Section 535.04 of these Codified Ordinances. The Director of Public Utilities shall prescribe the application form for the homestead rates and have final approval of all applications.

<b>Income Limits:</b>	
<b>Year</b>	<b>Total Annual Income</b>
2011	\$30,000
2012	\$30,500
2013	\$31,000
2014	\$31,500
2015	\$32,000

(b) The Director of Public Utilities may establish an affordability program to provide assistance to eligible low-income customers. The program may offer a reduction of forty percent (40%) from the water bill for residential customers who have been qualified to receive assistance through the federally funded Home Energy Assistance Program. The Director of Public Utilities shall set the guidelines for administering the affordability program and have final approval of all applications.

**Section 535.06 Fees and Charges**

(a) *New Connections (taps, fire supply) (ductile iron prices)*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
1"	\$299	\$310	\$320	\$332	\$342
1 1/2"	\$1,430	\$1,479	\$1,527	\$1,587	\$1,636
2"	\$1,551	\$1,604	\$1,656	\$1,721	\$1,775
3"	\$1,560	\$1,614	\$1,666	\$1,732	\$1,785
4"	\$1,990	\$2,059	\$2,126	\$2,209	\$2,277
6"	\$2,094	\$2,165	\$2,236	\$2,323	\$2,396
8"	\$2,355	\$2,436	\$2,515	\$2,613	\$2,695
10"	\$2,804	\$2,900	\$2,994	\$3,111	\$3,208
12"	\$3,925	\$4,060	\$4,191	\$4,355	\$4,491
for concrete pipe add 55% surcharge					

(b) *Curb Valves (Flat Rate Labor only)*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
1 1/2"	\$144	\$149	\$153	\$159	\$164
2"	\$144	\$149	\$153	\$159	\$164
3"	\$287	\$297	\$307	\$319	\$329
4"	\$287	\$297	\$307	\$319	\$329
6"	\$287	\$297	\$307	\$319	\$329
8"	\$287	\$297	\$307	\$319	\$329
10"	\$431	\$446	\$460	\$478	\$493
12"	\$431	\$446	\$460	\$478	\$493

(c) *Tapping Sleeve and Valve (for tying new main to existing main)*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
8" or less	\$2,355	\$2,436	\$2,515	\$2,613	\$2,695
10"	\$2,804	\$2,900	\$2,994	\$3,111	\$3,208
12"	\$3,925	\$4,060	\$4,191	\$4,355	\$4,491
16" or greater (deposit + cost)	\$5,011	\$5,243	\$5,484	\$5,745	\$6,008

for concrete pipe add 55% surcharge

(d) *Plugging Connections (fee only includes actual plugging of connection; excavation and restoration will be invoiced at cost)*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<2"	\$1,599	\$1,675	\$1,753	\$1,837	\$1,923
2" - 12"	\$2,132	\$2,232	\$2,337	\$2,449	\$2,563
>12"	\$2,665	\$2,790	\$2,921	\$3,061	\$3,203

(e) *Meter Settings*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
1" or smaller	\$157	\$162	\$167	\$174	\$179
1 1/2"	\$470	\$486	\$502	\$522	\$538
2"	\$470	\$486	\$502	\$522	\$538
3"	\$470	\$486	\$502	\$522	\$538
4"	\$618	\$639	\$660	\$686	\$707
6"	\$812	\$840	\$868	\$902	\$930
8"	\$1,027	\$1,063	\$1,097	\$1,140	\$1,176
10"	\$1,293	\$1,338	\$1,381	\$1,435	\$1,480
12"	\$1,582	\$1,636	\$1,689	\$1,755	\$1,810

(f) *Install/Replace Meters*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
1" or smaller - vault setting	\$191	\$251	\$258	\$296	\$307
1" or smaller - inside setting w/ remote reading device	\$235	\$297	\$305	\$344	\$358
1 1/2" vault setting	\$224	\$286	\$293	\$333	\$345
1 1/2" - inside setting w/ remote reading device	\$275	\$339	\$348	\$390	\$404
2"	\$281	\$366	\$376	\$417	\$432
3"	\$780	\$883	\$909	\$972	\$1,004
4"	\$1,387	\$1,511	\$1,558	\$1,645	\$1,698
6"	\$2,983	\$3,162	\$3,262	\$3,416	\$3,524
8"	\$5,005	\$5,253	\$5,421	\$5,659	\$5,838
10"	\$5,959	\$6,239	\$6,439	\$6,718	\$6,929
12"	\$8,341	\$8,704	\$8,984	\$9,362	\$9,655
2" compound	\$1,779	\$1,948	\$2,007	\$2,141	\$2,213
3" compound	\$2,171	\$2,375	\$2,448	\$2,599	\$2,684
4" compound	\$2,562	\$2,780	\$2,866	\$3,033	\$3,131
6" compound	\$4,413	\$4,695	\$4,843	\$5,087	\$5,250
8" compound	\$7,017	\$7,388	\$7,623	\$7,976	\$8,229
10" compound	\$8,355	\$8,771	\$9,052	\$9,460	\$9,759
12" compound	\$11,695	\$12,226	\$12,619	\$13,167	\$13,581

(g) *Regulators*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
8" (cost plus)	\$2,478	\$2,566	\$2,655	\$2,748	\$2,845
12" (cost plus)	\$4,131	\$4,275	\$4,425	\$4,580	\$4,740

(h) *Water Use From Hydrants and Other Unmetered Sources*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Permit	\$40	\$42	\$44	\$46	\$48
Volume Charge (\$/MCF/service area)	Charged at additional MCF rate in applicable rate district where hydrant is located				
Meter/Valve/BF Assembly Refundable Deposit	\$1,125	\$1,150	\$1,175	\$1,200	\$1,225
Meter Rental Fee	\$35 1st wk; \$25/wk after	\$35 1st wk; \$25/wk after	\$35 1st wk; \$25/wk after	\$35 1st wk; \$25/wk after	\$35 1st wk; \$25/wk after

(i) *Miscellaneous Engineering Services*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Copy fee for roll maps, engineering dwgs. - per sq. ft	\$0.30	\$0.32	\$0.34	\$0.36	\$0.38
Plan reviews - per plan & profile dwg.* containing water work	\$500	\$510	\$520	\$530	\$540
As-Built Creation - refundable deposit - per plan & profile dwg.* containing water work	\$500	\$500	\$500	\$500	\$500
As-built processing fee - per plan profile dwg.* containing water work					
Hard or paper copier - per dwg.	\$250	\$250	\$250	\$250	\$250
AutoCad format - per dwg.	\$100	\$100	\$100	\$100	\$100
GIS format per CWD stds. - per dwg.	\$25	\$25	\$25	\$25	\$25
Plumber Certification	\$44	\$46	\$47	\$49	\$51
Backflow Prevention testing fee - CWD professing fee	\$5	\$6	\$7	\$8	\$9
Backflow Prevention testing fee - vendor processing fee	\$9.95	\$9.95	\$9.95	\$9.95	\$9.95

\* D-size drawing

(j) *Disinfection of Water Mains*

charges for services:	2011		2012		2013		2014		2015	
	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*
4" diameter	\$660	\$0.55	\$684	\$0.57	\$720	\$0.60	\$756	\$0.63	\$792	\$0.66
6"	\$660	\$0.55	\$684	\$0.57	\$720	\$0.60	\$756	\$0.63	\$792	\$0.66
8"	\$840	\$0.70	\$888	\$0.74	\$936	\$0.78	\$972	\$0.81	\$1,032	\$0.86
10"	\$840	\$0.70	\$888	\$0.74	\$936	\$0.78	\$972	\$0.81	\$1,032	\$0.86
12"	\$1,032	\$0.86	\$1,080	\$0.90	\$1,140	\$0.95	\$1,200	\$1.00	\$1,260	\$1.05
16"	\$1,140	\$0.95	\$1,188	\$0.99	\$1,248	\$1.04	\$1,308	\$1.09	\$1,380	\$1.15
20" or greater (deposit + cost) invoiced at actual cost	\$3,200 deposit, invoiced at actual cost		\$3,300 deposit, invoiced at actual cost		\$3,400 deposit, invoiced at actual cost		\$3,500 deposit, invoiced at actual cost		\$3,600 deposit, invoiced at actual cost	
* per ft. charge applies only when the minimum is exceeded										
Come Back Fee	\$350		\$360		\$370		\$380		\$390	

(k) *Meter Test at Customer's Request (red tag, flow test)*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
1" or less	\$52	\$54	\$56	\$58	\$60
1" to 4"	\$106	\$110	\$113	\$118	\$121
Over 4"	\$210	\$218	\$225	\$234	\$241

(l) *Reading Re-registering Meters*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
(\$/read)	\$1.47	\$1.54	\$1.62	\$1.70	\$1.79

(m) *Special Service Calls by Customer Request*

<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
\$18	\$19	\$20	\$21	\$22

(n) *Charge for Appointment Broken by Customer*

<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
\$29	\$30	\$31	\$32	\$33

(o) *Returned Checks*

<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
\$30	\$31	\$32	\$33	\$34

(p) (1) *Quarterly Flat Rate for Unmetered Fire Line Service*

<u>Connection Size</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
1 1/2"	\$41.57	\$43.45	\$43.93	\$44.56	\$46.27
2"	\$41.57	\$43.45	\$43.93	\$44.56	\$46.27
3"	\$41.57	\$43.45	\$43.93	\$44.56	\$46.27
4"	\$113.08	\$118.20	\$119.51	\$121.23	\$125.87
6"	\$162.96	\$170.34	\$172.23	\$174.70	\$181.39
8"	\$291.00	\$304.17	\$307.55	\$311.96	\$323.91
10"	\$455.62	\$476.24	\$481.53	\$488.44	\$507.15
12"	\$621.91	\$650.06	\$657.28	\$666.71	\$692.25

(2) *Monthly Flat Rate for Unmetered Fire Line Service*

<u>Connection Size</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
1 1/2"	\$13.86	\$14.48	\$14.64	\$14.85	\$15.42
2"	\$13.86	\$14.48	\$14.64	\$14.85	\$15.42
3"	\$13.86	\$14.48	\$14.64	\$14.85	\$15.42
4"	\$37.69	\$39.40	\$39.84	\$40.41	\$41.96
6"	\$54.32	\$56.78	\$57.41	\$58.23	\$60.46
8"	\$97.00	\$101.39	\$102.52	\$103.99	\$107.97
10"	\$151.87	\$158.75	\$160.51	\$162.81	\$169.05
12"	\$207.30	\$216.69	\$219.09	\$222.24	\$230.75

(q) All fees and charges shall be effective on January 1 of each year, except for 2011 which shall be effective July 16, 2011.

(r) The Commissioner may enter into payment arrangements for installment payments of the fees and charges contained in this section or in Section 535.23 when determined to be reasonable by the Commissioner. Failure to make any payment under an arranged payment plan when due shall cause the total unpaid amount to become payable on demand and may lead to termination of water service.

**Section 535.10 Water Billing Cycle**

Water accounts shall be billable and payable at intervals of one or three months, as determined by the Director of Public Utilities.

**Section 535.12 Extension of Time for Payment**

Water bills shall be paid on or before the date stated on the bill but the Director of Public Utilities may after investigation, grant an extension of time in cases of indigency, emergency, relief and similar conditions. Partial payments may be accepted, properly approved, but bills must be paid in full pursuant to the rules and regulations of the Division of Water.

**Section 535.15 New Applications for Water Service; Owner Liability; Deposits**

(a) Applications for the use of water shall be made and accepted in a manner prescribed by the Director of Public Utilities. All accounts for water service shall be established and maintained in the name of the record title owner of the premises served thereby. Any owner of real estate premises to which water is supplied shall be deemed primarily liable for all water and service charges for such premises, whether or not the premises is occupied by the owner, tenant or other persons, and whether or not the account has been established in the name of some other person or entity. In addition, any user and/or occupant of the premises where water service is provided shall be liable for payment for such services.

(b) The Director of Public Utilities may require a deposit to be placed on an account whenever the account holder:

- (1) Does not have an established credit history with the Division of Water.
- (2) Has received delinquency or termination of service notices and wishes to avoid such termination.
- (3) Has had service terminated for nonpayment.
- (4) Is a debtor in a pending case in U.S. Bankruptcy Court.
- (5) Refuses to allow employees of the Division of Water to enter upon the premises served for the purposes of meter reading, repairs and/or testing.

The deposit amount shall equal six average monthly bills or two average quarterly bills on that account which shall be calculated based on the previous twelve (12) months' consumption at the premises served.

(c) Deposits held by the Division of Water shall not be applied to current water or sewer bills. However, a deposit held on an account shall be returned to the depositor if, subsequent to the date of the deposit, 12 consecutive monthly bills or four consecutive quarterly bills are timely paid. If a deposit is held on an account at the time it is closed, the deposit shall be applied to any final amount outstanding, and the balance, if any, shall be returned to the depositor.

**Section 535.21 Charges for Unmetered Fire Protection Service within the City and Direct Service Metropolitan Area**

Water shall be furnished to an unmetered fire protection service connection only for fire protection, testing and maintenance purposes. A charge shall be made for each unmetered fire supply connection within the limits of the City and direct service suburbs. The charge shall be determined by the size of the fire supply connection through which water passes for use on the premises so supplied at the rate for unmetered fire line service under Section 535.06 (p) of the Codified Ordinances. Unauthorized water use through unmetered fire protection service connections shall be billed and charged at the additional MCF rate in the applicable service district. Additional penalties and charges based on consumption may be charged for unauthorized uses of an unmetered fire protection service connection.

Charges shall be collected monthly or quarterly for each fire supply connection to cover inspection, testing, sealing and resealing of such service connections, stand-by pumpage capacity, and replacement or cleaning of distribution or trunk water mains to improve the water supply for fire protection purposes.

**Section 535.24 Charges for Water from Fire Hydrants**

(a) In addition to other charges, if water is used from a public fire hydrant, upon special permit only, a charge for the permit and a hydrant rental must be paid in advance under Section 535.06 of the Codified Ordinances. A separate permit shall be issued for each hydrant which shall identify its location.

(b) Water may be furnished from a fire hydrant for any special purpose authorized by the Commissioner of the Division of Water. The charge for water so furnished shall be at the additional MCF rate under Section 535.04 for the service district in which the fire hydrant is located. The quantity of water used may be estimated by the Commissioner based on information provided by the user as to the user's purpose and needs, or the Commissioner may require the installation of a meter at the connection to the hydrant to be used, in which event the user shall pay the cost of installing the meter and the cost of all water measured.

**Section 3.** That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 531.81, as amended by Ordinance No. 778-06, passed June 5, 2006,  
 Section 533.01, as amended by Ordinance No. 778-06, passed June 5, 2006,  
 Section 533.16, as enacted by Ordinance No. 778-06, passed June 5, 2006,  
 Section 535.04, as amended by Ordinance No. 1567-07, passed October 29, 2007,  
 Section 535.05, as amended by Ordinance No. 1271-07, passed August 8, 2007,  
 Section 535.06, as amended by Ordinance No. 347-08, passed June 2, 2008,  
 Section 535-07, as enacted by Ordinance No. 1092-59, passed April 27, 1959,  
 Section 535.10, as enacted by Ordinance No. 1240-51, passed June 18, 1951,  
 Section 535.12, as enacted by Ordinance No. 778-06, passed June 5, 2006,  
 Section 535.15, as enacted by Ordinance No. 284-A-88, passed February 6, 1989,  
 Section 535.21, as amended by Ordinance No. 778-06, passed June 5, 2006, and  
 Section 535.32, as amended by Ord. No. 99566, passed May 22, 1933,

are repealed.

**Section 4.** That Council waives the notice requirements contained in division (b) of Section 111.072 of the Codified Ordinances of Cleveland, Ohio, 1976.

**Section 5.** That the Director of Public Utilities shall provide reports to the Chair of the Public Utilities Committee and the Clerk of Council upon each meeting of the Administration's oversight committee reviewing the progress of the management consulting firm selected under Ordinance No. 138-11, passed January 31, 2011. The management consulting firm shall meet with the Public Utilities Committee at least once during the Spring and twice during the Fall session of Council throughout the entire term of their agreement.

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

Passed May 23, 2011.

Effective June 22, 2011.

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NO MEETINGS

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