

# The City Record

Official Publication of the Council of the City of Cleveland



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January the Eleventh, Two Thousand and Twelve

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**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

The City Record is available online at  
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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** – Barbara A. Langhenry, Interim Director, \_\_\_\_\_, Chief Counsel,  
Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,  
Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

#### DIVISIONS:

Accounts – Lonya Moss Walker, Interim Commissioner, Room 19  
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
City Treasury – \_\_\_\_\_, Treasurer, Room 115  
Financial Reporting and Control – James Gentile, Controller, Room 18  
Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue  
Purchases and Supplies – James E. Hardy, Commissioner, Room 128  
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue  
**DEPT. OF PUBLIC UTILITIES** – Barry A. Withers, Director, 1201 Lakeside Avenue  
DIVISIONS:  
Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – \_\_\_\_\_, Commissioner  
Water Pollution Control – Rachid Zoghaib, Commissioner

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

#### DIVISIONS:

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

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

#### OFFICES:

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

#### DIVISIONS:

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

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

Erieview Plaza

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

Code Enforcement – 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 Flickinger.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Judge Courtroom

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, JANUARY 11, 2012

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## CITY COUNCIL

MONDAY, JANUARY 9, 2012

The City Record  
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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, 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

Cleveland, Ohio  
Monday, January 9, 2012

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monya S. Price, Chief of Education, Andrea V. Taylor, Press Secretary, Natoya J. Walker Minor, Chief of Public Affairs, and Interim Law Director Langhenry. Directors Dumas, Wasik, Butler, Cox, Rush, Rybka, Southerington, Brown, Fumich and Ambrose.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Steven C. Valles of Westside Seventh-day Adventist Church, located at 327 Canterbury Court. Pledge of Allegiance.

#### MOTION

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

#### OATH OF OFFICE

**File No. 21-12.**  
Jason A. Wood — Assistant Director of the Department of Public Utilities. Received.

**File No. 22-12.**  
Keith A. Cromer — Interim Assistant Director of the Department of Public Utilities. Received.

#### NOTIFICATION OF SUBSIDIARY AGREEMENT

**File No. 23-12.**  
From Director of Port Control — Contract #PI2010\*071 with Independence Excavating for the Runway 10-28 Safety Area — Phase 2 Project. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

**File No. 24-12.**  
Re: #1405056 — D5A, New Application — Checo Holding Cleveland DWTN LLC, d.b.a. Cleveland Downtown Hampton Inn, 1440 East 9th Street. (Ward 3). Received.

**File No. 25-12.**  
Re: #2621017 — D5J, New Application — Fairfield Investments, LLC, d.b.a. Cowell & Hubbard, 1305 Euclid Avenue. (Ward 3). Received.

**File No. 26-12.**  
Re: #2653003 — D5, D6, Transfer of Ownership Application — Farryland, LLC, d.b.a. Flying Monkey Pub, 1st floor, basement and patio, 819 Jefferson Avenue. (Ward 3). Received.

**File No. 27-12.**  
Re: #7457649 — D5N, New Application — Rock Ohio Caesars Cleveland, LLC, d.b.a. Horseshoe Cleveland, 100 Public Square. (Ward 3). Received.

**File No. 28-12.**  
Re: #2538153 — D1, D2, D3, D6, Stock Transfer Application — Erie Tavern, Inc., d.b.a. Erie Tavern, 5393 St. Clair Avenue, 1st floor and basement. (Ward 8). Received.

**File No. 29-12.**  
Re: #77089790005 — D3 Transfer Ownership and Location Application — Pololu, Ltd, 12018 Mayfield Road. (Ward 9). Received.

**File No. 30-12.**  
Re: #7230908 — C1, C2, Transfer Ownership Application — Reanad & Reanad, LLC, d.b.a. excludes 2nd Floor and Basement, 10109 11 St. Clair Avenue. (Ward 9). Received.

**File No. 31-12.**  
Re: #3541757- C2, C2X Transfer Ownership Application — Melanie A. Hamdallah, d.b.a. Woodside Foods, 1st Floor and Basement, 12713 -17 Woodside Avenue. (Ward 10). Received.

**File No. 32-12.**  
Re: #0597266 — C1, C2, D6 Transfer Ownership Application — Bellaire Gas Way, Inc., d.b.a. Marathon, 1st Floor, 10606 Bellaire Road. (Ward 14). Received.

**CONDOLENCE RESOLUTIONS**

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

- Res. No. 33-12**—Mary C. Zunt.  
**Res. No. 34-12**—Willie Gene Harris.  
**Res. No. 35-12**—Deacon Mack N. Stover.  
**Res. No. 36-12**—Margaret A. Mochan.  
**Res. No. 37-12**—Nellie Mae Clark Robinson.  
**Res. No. 38-12**—Frank William Anderson.  
**Res. No. 39-12**—Rev. Freddie L. Brown.  
**Res. No. 40-12**—France Bell Green.  
**Res. No. 41-12**—Virginia (Choma) Chuhran.  
**Res. No. 42-12**—Capt. Walter T. May.  
**Res. No. 43-12**—Charlesetta Matthews.  
**Res. No. 44-12**—Wanda Rezina "Zaza" Banks.  
**Res. No. 45-12**—Arthur G. Saunders.  
**Res. No. 46-12**—Sandra A. Wright-Watford.

**CONGRATULATIONS RESOLUTIONS**

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

- Res. No. 47-12**—Samuel Kelly Cimperman.  
**Res. No. 48-12**—Susie L. Fuller.  
**Res. No. 49-12**—Donna Kelso Nelson.  
**Res. No. 50-12**—Doris Nemer.  
**Res. No. 51-12**—St. Ignatius High School Football Team — Division I State Champions.  
**Res. No. 52-12**—St. Ignatius High School Soccer Team — Division I State Champions.  
**Res. No. 53-12**—Herman & Malinda Douthard.  
**Res. No. 54-12**—The Literary Café — 25th Anniversary.  
**Res. No. 55-12**—Special Agent Pamela J. Forgach.  
**Res. No. 56-12**—Fr. Michael Surufka, O.F.M..  
**Res. No. 57-12**—Rev. Joseph A. Bacevice.  
**Res. No. 58-12**—Bryan Pierce.

**RECOGNITION RESOLUTIONS**

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

- Res. No. 59-12**—Cleveland Peacemakers Alliance.  
**Res. No. 60-12**—Greater Cleveland Aquarium.  
**Res. No. 61-12**—Charles "Charlie" Demore.  
**Res. No. 62-12**—Tallerworks Music & Legacy Exhibition.  
**Res. No. 63-12**—Terrance C.Z. Egger.  
**Res. No. 64-12**—Jerry L. Kelsheimer.  
**Res. No. 65-12**—Zev Weiss.

**APPRECIATION RESOLUTION**

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

- Res. No. 66-12**—Julius Mitchell, Jr.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 1-12.**  
**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to exercise the first option to renew Contract No. 69192 with SS&G Financial Services, Inc. to provide professional services necessary to assist the Division of Assessments and Licenses with improving its audit practices and procedures.**

Whereas, under the authority of Ordinance No. 182-09, passed March 9, 2009, the Director of Finance entered into Contract No. 69192 with SS&G Financial Services, Inc. to provide professional services necessary to assist the Division of Assessments and Licenses with improving its audit practices and procedures; and  
 Whereas, Ordinance No. 182-09 requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Finance is authorized to exercise the first option to renew Contract No. 69192 for an additional year with SS&G Financial Services, Inc. to provide professional services necessary to assist the Division of Assessments and Licenses with improving its audit practices and procedures. This ordinance constitutes the additional legislative authority required by Ordinance No. 182-09 to exercise this option.

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

Referred to Directors of Finance, Law; Committee on Finance.

**Ord. No. 2-12.**

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

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to The Cleveland Clinic Foundation to encroach into the public right-of-way of East 96th Street by installing, using, and maintaining an areaway/sidewalk elevator and electrical UPS room under the sidewalk.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195 ("Permittee"), to encroach into the public right-of-way of East 96th Street below grade, by installing, using, and maintaining an areaway/sidewalk elevator and electrical UPS room under the sidewalk, at the following location:

LEGAL DESCRIPTION  
 OF AN ENCROACHMENT  
 UNDER EAST 96TH STREET  
 Situated in the City of Cleveland,  
 County of Cuyahoga and State of

Ohio, and being an area within East 96th Street, 66 feet in width, and being more particularly bounded and described as follows:

Commencing from the intersection of the centerline of said East 96th Street and the centerline of Euclid Avenue, width varies;

Thence South 00°11'06" West, a distance of 692.54 feet along the centerline of said East 96th Street to a point;

Thence North 89°48'54" West, a distance of 17.00 feet to a point, said point being the True Point of Beginning of the herein described encroachment area;

Thence South 00°11'06" West, a distance of 64.00 feet to a point;

Thence North 89°48'54" West, a distance of 16.00 feet to a point on the westerly right-of-way line of said East 96th Street;

Thence North 00°11'06" East, a distance of 64.00 feet along the westerly right-of-way line of said East 96th Street to a point;

Thence South 89°48'54" East, a distance of 16.00 feet to the True Point of Beginning, containing 0.0742 acres, more or less, according to a survey by Michael Benza and Associates, Inc. and proposed building plans and subject to all legal easements, restrictions, reservations, conditions and rights-of-way of previous record.

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

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

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

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

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

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

**Ord. No. 3-12.**

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

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with BissNuss Inc., the Northeast Ohio Regional representative of various proprietary equipment and services in order to maintain and replace existing components of the chemical feed systems, for the Divi-**

**sion of Water, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than BissNuss Inc., who is the Northeast Ohio Regional representative of the following various proprietary equipment and services: Siemens Water Technologies, Inc., Force Flow Inc., ASCO, Inc., Gastronics, Inc., Henry Pratt, Inc., Ross Valves, Inc., ITT Fabrilvalve, Inc., Milton Roy Americas, BNR, Inc., Wilo, Inc., Jim Myers & Sons, Inc., Enviropax, Inc. and Claval, Inc. in order to maintain and replace existing components of the chemical feed systems. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with BissNuss Inc., for the requirements for a period not to exceed two years for the necessary equipment and services manufactured by the above-listed manufacturers, but provided by BissNuss Inc., to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water, Department of Public Utilities.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2011-54)

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

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

**Ord. No. 4-12.**

**By Council Member Keane.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 14500 Broxton Avenue to Cynthia J. Stowasser.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Revised Code and Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976; 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 under Section 183.021 of the Codified Ordinances of

Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Cynthia J. Stowasser.

**Section 2.** That the real property to be sold under this ordinance is more fully described as follows:

P. P. No. 024-27-032

Parcel No. A

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as part of Original Rockport Township, Section No. 19 and bounded and described as follows:

Beginning on the Easterly line of The Iroquois Realty Company's property as registered under Certificate of Title No. 1824 at a point South 00 degree 27' 17" West 488.42 feet measured along said Easterly line of The Iroquois Realty Company's Property from its point of intersection with the Northerly line of the said The Iroquois Realty Company's Property. Said beginning point is at the Intersection of said Easterly line of The Iroquois Realty Company's property and the Northerly line extended of Broxton Avenue, N.W., Thence North 76 degree 46' 20" West along the northerly line of Broxton Avenue, N.W., and its Easterly extension 203.26 feet to the principal place of beginning.

Course 1.

Thence North 76 degree 46' 20" West 40 feet along the Northerly line of Broxton Avenue, N.W.

Course 2.

Thence North 13 degree 13' 40" East 119.86 feet.

Course 3.

Thence South 83 degree 55' 25" East 40.31 feet.

Course 4.

Thence South 13 degree 13' 40" West 124.88 feet to the Northerly line of Broxton Avenue, N.W., and the principal place of beginning, being further known as Sublot No. 32 in the Elworthy-Helwick Company's Proposed Roxboro Park Allotment, be the same more or less, but subject to all legal highways.

Parcel No. B

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Original Rockport Township Section No. 19 and bounded and described as follows:

Beginning in the northerly line of Broxton Avenue, N.W., (50 feet wide) at the southeasterly corner of premises registered in Bessie Gray Munson in Certificate of Title No. 14016 of Cuyahoga County Records.

Course 1.

Thence North 76 degree 46' 20" West along said northerly line of Broxton Avenue, N.W., 15 feet.

Course 2.

Thence North 13 degree 13' 40" East, parallel with the easterly line of premises registered in said Certificate No. 14016, about 117.98 feet to the northerly line of said premises.

Course 3.

Thence South 83 degree 55' 25" East along the northerly line of premises registered in said Certificate No. 14016, 15.12 feet to the northeasterly corner of said premises.

Course 4.

Thence South 13 degree 13' 40" West along the easterly line of premises registered in said Certificate No. 14016, 119.86 feet to the place of beginning and being further known as the easterly 15 feet front of Sublot 31 in the Elworthy-Helwick Company's proposed Roxboro Park Allotment, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall not be less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized by this ordinance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

**Ord. No. 5-12.**

**By Council Member Reed.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10003 Harvard Road to National Container Group, LLC.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Revised Code and Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976; 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 under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to National Container Group, LLC.

**Section 2.** That the real property to be sold under this ordinance is more fully described as follows:

P. P. No. 136-08-006

Parcel A

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 17 in Olive A Meech's Subdivision of a part of Original 100 Acre Lot No 457 as shown by the recorded plat in Volume 4 of Maps, Page 24 of Cuyahoga County Records in said City, and bounded and described as follows:

Beginning at a stone monument at the Northeastly corner of said Lot No 17 said stone being in the Southerly line of a parcel of land conveyed to G Meech and Wife to Cleveland and Mahoning Railroad Company by deed dated October 15, 1853 and record in Cuyahoga County Deed records in Book 67 at Page 221, and also being fifty (50) feet Southwesterly by rectangular measurement from original center line of Erie-Lachawanna Railroad Company (formerly The Cleveland and Mahoning Valley Railway Company), and also being eight and twenty-two hundredths (8.22) feet Westerly from the line between original Lots Nos 457 and 458 as measured along Southerly line of parcel conveyed as aforesaid

Thence South zero degrees fifty-four minutes twenty seconds East (S 0 degree 54' 20" E) along Easterly line of said lot No 17, eighty and seventy-one hundredths (80.71) feet to the Southeastly corner of said lot No 17,

Thence North sixty-eight degrees forty seven minutes fifty seconds West (N 68 degrees 47' 50" W.) along Southerly line of said Lot No 17, two hundred two and eighty-three hundredths (202.83) feet to an angle point,

Thence North sixty-two degrees thirty-three minutes twenty seconds West (N. 62 degrees 03' 20" W.) still along said Southerly line of Lot No 17, one hundred thirty-six and twenty-one hundredths (136.21) feet to an angle point;

Thence North seventy-six degrees thirty-three minutes twenty seconds West (N. 76 degrees 33' 20" W) still along said Southerly line of Lot No. 17, one hundred thirty-six 136.00) feet to an angle point,

Thence South sixty-eight degrees forty-one minutes forty seconds West (S 68 degrees 41' 40" W) still along said Southerly line of Lot No 17, one hundred twenty-one and ninety-four hundredths (121.94) feet to an angle point,

Thence North seventy-eight degrees thirty-six minutes fifty seconds West (N 78 degrees 36' 50" W) still along said Southerly line of Lot No. 17, one hundred thirty-eight and ten hundredths (138.10) feet to the Southwestly corner of said Lot No 17,

Thence North eight degrees three minutes fifty seconds West (N 8 degrees 03' 50" W) along Westerly line of said Lot No 17, one hundred thirty-two and ninety-nine hundredths (132.99) feet to a point in the Easterly end of Richmond Avenue, which is the Northwestly corner of said Lot No 17 and also being the Southerly line of land conveyed as aforesaid,

Thence South seventy-four degrees one minute twenty seconds East (S 74 degrees 01' 20" E) along Southerly line of land conveyed as aforesaid, seven hundred thirty-six and fifty-six hundredths (736.56) feet to the point or place of beginning

And being all the land or premises conveyed by Erie Land and Improvement Company to Cleveland Mahoning Valley Railroad Company and recorded December 9, 1921 in Cuyahoga County Deed Records in Volume 2555, Page 329, and later transferred to Erie Railroad Company by Deed recorded in said deed records in Volume 5417, Page 391

Parcel B

Situated in Original Lot No 457 of Original Newburg Township, City of Cleveland, County of Cuyahoga, State of Ohio and being more particularly bounded and described as follows:

Commencing at the point on the monumented center line of Harvard Avenue which is the southeast corner of Original Lot Number 457, said point being the original lot corner, thence North two degrees twenty-one minutes (2 degrees 21') East, along the original East lot line of said Original Lot Number 457, four hundred four and thirty-two one-hundredths (404.32) feet, to the point of beginning for the parcel of land herein described. Thence continuing North two degrees twenty-one minutes (2 degrees 21') East, along said original East lot line, forty and thirty-nine one hundredths (40.39) feet to a point, said point also being the northeast corner of a parcel of land conveyed by Peter H. Hitchcock to The Conotton Valley Railway Company by Warranty Deed dated May 24, 1881, and recorded November 11, 1881, in Vol 329, Page 389, Cuyahoga County Deed Records, Thence North sixty-six degrees twenty-six minutes (66 degrees 26') West, two hundred two and eighty-three one-hundredths (202.83) feet to a point,

Thence North sixty-six degrees twenty-six minutes (66 degrees 26') West, two hundred two and eighty-three one-hundredths (202.83) feet to a point,

Thence North fifty-nine degrees forty-one minutes thirty seconds (59 degrees 41' 30") West one hundred thirty-six and twenty-one one-hundredths (136.21) feet to a point,

Thence North seventy-four degrees, eleven minutes thirty seconds (74 degrees 11' 30") West, one hundred thirty-six (136.00) feet to a point,

Thence South seventy-one degrees three minutes thirty seconds (71 degrees 03' 30") West, one hundred twenty-one and ninety-four one-hundredths (121.94) feet to a point, Thence North seventy-six degrees fifteen minutes (76 degrees 15') West, one hundred thirty-eight and ten one-hundredths (138.10) feet to a point

Thence south five degrees forty-two minutes (5 degrees 42") East, twelve and thirty-six one hundredths (12.36) feet to a point,

Thence South seventy-three degrees no minutes (72 degrees 00') East, seven hundred twelve and five one-hundredths (712.05) feet to the said point of beginning, be the same more or less, but subject to all legal highways.

Being land conveyed to The Conotton Valley Railway Company by deed recorded November 11, 1881, in Volume 329, Page 389, of Cuyahoga County Deed Records.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development,

this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall not be less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized by this ordinance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

**Ord. No. 6-12.**

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

**An emergency ordinance authorizing the Director of Economic Development to employ one or more professional consultants to evaluate, assess, and remediate brownfield properties throughout the City of Cleveland.**

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

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

**Section 1.** That the Director of Economic Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to evaluate, assess, and remediate brownfield properties throughout the City of Cleveland.

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

**Section 2.** That the cost of the contract or contracts authorized shall not exceed an aggregate amount of \$200,000 and shall be paid from funds appropriated for this purpose in 2012 with the approval of the Director of Finance.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

tive vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 8-12.**

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

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 571.91, relating to operation of commercial ground transportation vehicles at Cleveland Hopkins International Airport; and to amend Section 571.99 relating to penalties.**

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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 571.91 to read as follows:

**Section 571.91 Permits Required for Commercial Ground Transportation Vehicles Operating at Cleveland Hopkins International Airport; Fee**

(a) No person shall operate a commercial ground transportation vehicle at Cleveland Hopkins International Airport without a permit issued by the Director of Port Control and without paying a fee as established in division (b) of this section. A separate permit is required for each vehicle.

(b) The fee for operation of all commercial ground transportation vehicles obtaining the permits shall be set by the Board of Control on an annual basis. The fee shall be assessed on a per trip basis and tabulated via an Automatic License Plate Recognition System.

**Section 2.** That Section 571.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 957-72, passed June 26, 1972, is amended to read as follows:

**Section 571.99 Penalty**

(a) Whoever violates any provision of this chapter, for which no other penalty is provided, shall be fined not more than fifty dollars (\$50.00), or imprisoned not more than thirty days, or both.

(b) Whoever violates **Sections 571.06 or 571.91** shall be fined not more than five hundred dollars (\$500.00) and imprisoned not more than six months, or both.

**Section 3.** That existing Section 571.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 957-72, passed June 26, 1972, is repealed.

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

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

**Ord. No. 9-12.**

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

**An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Cleveland Browns concerning the making of capital repairs to the Cleveland Browns Stadium, including accepting the donation of plans and the advancement of funds from the Browns to make the repairs; determining the method of making the public improvement of constructing capital repairs to the Stadium; and authorizing the Director to enter into one or more public improvement contracts for the making of the improvement.**

Whereas, the lease between the City and the Cleveland Browns Stadium Company LLC (the "Cleveland Browns") provides for the making of capital repairs to Cleveland Browns Stadium by the City subject to procedures and limitations specified in the lease and the principal source of funds for the capital repairs is the capital repair fund established and funded by the City under the lease (the "Capital Repair Fund"); and

Whereas, beginning in 2012 receipts from the collection of an excise tax levied from August 1, 2005 through July 31, 2015 on sales in Cuyahoga County of liquor, wine, beer, mixed beverages and cigarettes (the "Excise Tax") are expected to be available to fund future deposits to the Capital Repair Fund under a Cooperative Agreement entered into as of December 30, 1996 by the City, Cuyahoga County, The Cleveland-Cuyahoga County Port Authority and the National Football League (the "Cooperative Agreement"); and

Whereas, the City and the Cleveland Browns have determined that: a) it is necessary to make certain capital repairs to Cleveland Browns Stadium in 2012 for a total amount not to exceed \$5,850,000 (the "Capital Repairs"); b) the Cleveland Browns will donate to the City, without charge, the plans and specifications for making the Capital Repairs; c) the Cleveland Browns will advance funds to the City of up to \$5,000,000 to make the Capital Repairs; d) the City will subsequently reimburse the Cleveland Browns the funds so advanced from Excise Tax receipts when available to the City under the terms of the Cooperative Agreement as a source of funds to pay for capital repairs to Cleveland Browns Stadium; and e) the City will receive a credit against future deposits to the Capital Repair Fund otherwise required to be made under the lease in calendar year 2013 and consecutive calendar years thereafter; and

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

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

**Section 1.** That the Director of Public Works is authorized to enter into an agreement with the Cleveland Browns for the making of the Capital Repairs to Cleveland Browns Stadium ("Stadium"). The agreement will provide: for the making of the Capital Repairs to the Stadium in calendar year 2012 in a total amount not to exceed \$5,850,000; that the Cleveland Browns will donate to the City, without charge, the plans and specifications for making the Capital Repairs; that the Cleveland Browns will advance funds to the City of up to \$5,000,000 to make the Capital Repairs, to be placed into a subac-

count of the Capital Repair Fund or other fund or account to be determined by the Director of Finance to be used for the making of the Capital Repairs, which funds are appropriated for the purpose of making the public improvement authorized by Section 2 of this ordinance; that the City will subsequently reimburse the Cleveland Browns the funds they so advanced from Excise Tax receipts when available to the City under the terms of the Cooperative Agreement as a source of funds to pay for capital repairs to Cleveland Browns Stadium; and that the City will receive a credit against future deposits to the Capital Repair Fund otherwise required to be made under the lease in calendar year 2013 and consecutive calendar years thereafter.

**Section 2.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Capital Repairs to the Cleveland Browns Stadium, including, but not limited to, repair and replacement of pedestrian ramp walkways, waterproofing and sealing surfaces over occupied spaces, seat refurbishment and/or replacement, surface coating, traffic coating of walkways and plaza walkway repairs, for the Department of Public Works, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

**Section 3.** That the Director of Public Works is authorized to enter into contract for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

**Section 4.** That the Director of Public Works is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 5.** That the cost of the improvement shall be paid from funds budgeted in 2012 and deposited into the Capital Repair Fund under the lease and from the fund or funds to which are credited the money advanced to the City by the Cleveland Browns under the agreement authorized by Section 1 of this ordinance. The cost of the reimbursement to the Cleveland Browns shall be paid from Excise Tax receipts when available to the City under the terms of the Cooperative Agreement as a source of funds to pay for capital repairs to Cleveland Browns Stadium as determined and approved by the Director of Finance.

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

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

**Ord. No. 10-12.**  
**By Council Members K. Johnson**  
**Cleveland and Sweeney (by depart-**  
**mental request).**

**An emergency ordinance authorizing the Director of Public Works to enter into a concession agreement for the operation of the Highland Park Golf Course, food and beverage concessions, pro shop, merchandise and sales, marketing, and all other golf course and hospitality-related management services for a period of ten years, with two five-year options to renew, exercisable by the Director of Public Works.**

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works is authorized to enter into a concession agreement on the basis of competitive proposals, for the operation of the Highland Park Golf Course, including food and beverage concessions, pro shop, merchandise and sales, marketing, and all other golf course and hospitality-related management services at Highland Park Golf Course for a period of ten years, with two five-year options to renew, exercisable by the Director of Public Works, provided that the green fees charged shall not exceed the rates specified in divisions (a), (b), and (d) of Section 131.31 of the Codified Ordinances of Cleveland, Ohio, 1976. The selection of the Concessionaire shall be made by the Board of Control on the nomination of the Director of Public Works.

**Section 2.** That the Director of Public Works has authority to transfer the liquor permit for Highland Park Golf Course to the concessionaire under the agreement authorized above, provided it requires the Concessionaire to transfer the liquor permit back to the City upon termination of the Concession Agreement authorized above.

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

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

**Ord. No. 12-12.**  
**By Council Members Pruitt and**  
**Zone.**

**An emergency ordinance to amend Section 603.091 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 712-11, passed June 6, 2011, relating to unlawful restraint of animals.**

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

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

**Section 1.** That Section 603.091 of the Codified Ordinances of Cleveland, Ohio 1976 as amended by Ordinance No. 712-11, passed June 6, 2011, is amended as follows:

**603.091 Neglect of Animals**

(a) No owner or keeper of a dog, cat, or other domestic animal shall cause any condition that may lead to permanent injury, death, or harm to such animal, including confining an animal in a motor vehicle under any conditions that may endanger the well being of the domestic animal.

(b) No person shall keep any animal in a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation.

(c) No person who owns or keeps an animal shall fail to provide the animal all of the following needs:

(1) Clean, potable drinking water at all times, and suitable food, of sufficient quality and quantity as to ensure normal growth and the maintenance of normal body weight;

(2) Food and water receptacles that are kept clean and disinfected, and located so as to avoid contamination by feces or other wastes;

(3) Regular exercise sufficient to maintain the animal's good health;

(4) Necessary veterinary care;

(5) Shelter from the elements.

(d) No person who shelters an animal from the elements by means of an animal shelter, a cage, or a pen shall fail to conform it to the following requirements:

(1) The shelter, cage or pen shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position;

(2) The shelter, case or pen shall provide sufficient shade to allow the animal to escape the direct rays of the sun at all times;

(3) The shelter, cage or pen shall be regularly cleaned and sanitized.

**(e) No person who restrains an animal on a tether shall fail to meet the following requirements:**

**(1) Restraint by tether shall be for a reasonable period, not to exceed three hours in a 24-hour period;**

**Tethering is prohibited:**

**(2) Between the hours of 10:00 p.m. and 6:00 a.m.;**

**(3) If a heat advisory has been issued by a local or state authority or jurisdiction;**

**(4) If a tornado warning has been issued for the jurisdiction by the National Weather Service;**

**(5) If the tether is less than 20 feet, provided the tether does not allow the animal to touch the fence or cross the property line or cross onto a public easement;**

**(6) If the tether is attached by means of a pinch-type, prong-type, or choke-type collar or if the collar is unsafe or is not properly fitted;**

**(7) If the tether inhibits the animal's free movement or causes injury or entanglement;**

**(8) If the animal does not have access to shade, dry shelter, and a tip-proof water supply.**

**(f) As used in this section, "tether" means a rope, chain or similar restraint for holding an animal in place, allowing a short radius in which it can move about.**

**(g) Whoever violates this section is guilty of neglect of animals, a misdemeanor of the first degree.**

**Section 2.** That Section 603.091 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 712-11, passed June 6, 2011 is repealed.

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

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

Referred to Directors of Public Safety, Finance, Law; Committees on Public Safety, Legislation, Finance.

**FIRST READING EMERGENCY**  
**RESOLUTION REFERRED**

**Res. No. 7-12.**

**By Council Members Westbrook,**  
**Miller, Cleveland and Sweeney (by**  
**request).**

**An emergency resolution declaring the intent to vacate a portion of Henley Avenue S.W.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Henley Avenue S.W., as described; and

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

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

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

A portion of Henley Avenue S.W.

Being all that portion of Henley Avenue S.W. (12.00 feet wide) extending from the westerly right of way line of West 92nd Street (50.00 feet wide) westerly to the easterly right of way line of West 94th Street (50.00 feet wide).

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

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

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

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

**Ord. No. 13-12.**

**By Council Member Reed.**

**An emergency ordinance to amend Section 1 of Ordinance No. 1309-11, passed December 5, 2011, relating to a change to the Use, Area and Height Districts of land located on the south side of Miles Avenue between E. 116th Street and E. 128th Street. (Map Change No. 2379, Sheet Number 10).**

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

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

**Section 1.** That Section 1 of Ordinance No. 1309-11, passed December 5, 2011, is amended to read as follows:

Section 1. That the Use, Area and Height Districts of lands bounded and described as follows:

Beginning in the centerline of E. 116th Street at its intersection with the centerline of Miles Avenue;

Thence easterly along said centerline of Miles Avenue to its intersection with the southerly prolongation of the centerline of E. 119th Street;

Thence northerly along said



southerly prolongation and said centerline of E. 119th Street to its intersection with the westerly prolongation of the centerline of Minor Avenue;

Thence easterly along said centerline of Minor Avenue and along its easterly prolongation to its intersection with the westerly line of Sublot Number 62 in the J.M. Hoyt and Son Subdivision shown on the recorded plat in Volume 11, Page 8 of Cuyahoga County Map Records;

Thence southerly along said westerly line and along its southerly prolongation to its intersection with the centerline of Miles Avenue;

Thence easterly along said centerline of Miles Avenue to its intersection with the northerly prolongation of the centerline of E. 128th Street;

**Thence southerly along said northerly prolongation of said centerline of E. 128th Street to its intersection with the easterly prolongation of the northerly line of Sublot Number 68 in the Miles-Corlett No. 2 Subdivision shown on the recorded plat in Volume 46, Page 5 of Cuyahoga County Map Records;**

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

**Thence southerly along said westerly line to its intersection with the northerly line of Sublot Number 61 in the Kennedy & Christy Subdivision shown on the recorded plat in Volume 44, Page 27 of Cuyahoga County Map Records;**

**Thence westerly along said northerly line and along its westerly prolongation through the intersection of E. 126th Street to its intersection with the easterly line of Sublot Number 61 in the Miles-Corlett Subdivision shown on the recorded plat in Volume 44, Page 26 of Cuyahoga County Map Records;**

**Thence northerly along said easterly line to its intersection with the northerly line thereof;**

**Thence westerly along said northerly line and continuing along its westerly prolongation through the centerline of E. 124th Street to its intersection with the centerline of Martin Luther King Junior Drive (formerly E. 122nd Street);**

**Thence northerly along said centerline of Martin Luther King Jr. Drive to its intersection with the easterly prolongation of the centerline of Robertson Avenue;**

Thence westerly along said easterly prolongation and said centerline to its intersection with the centerline of East 119th Street;

Thence northerly along said centerline and along its northerly prolongation to its intersection with the centerline of Miles Avenue;

Thence westerly along said centerline of Miles Avenue to its intersection with the centerline of E. 116th Street and the principal place of beginning;

and as shaded on the attached map is changed to a Two Family Residential District, a 'B' Area District and a '1' Height District.

**Section 2.** That existing Section 1 of Ordinance No. 1309-11, passed December 5, 2011, is repealed.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 14-12.**

**By Council Member Dow.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Burten, Bell, Carr Development, Inc., for the Holiday Food Gift Program through the use of Ward 7 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development be authorized to enter into an agreement effective November 1, 2011 with the Burten, Bell, Carr Development, Inc., for the Holiday Food Gift Card Program for the public purpose of providing food gift cards to low-to-moderate income residents residing in the city of Cleveland through the use of Ward 7 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$21,000 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 15-12.**

**By Council Member Pruitt.**

**An emergency ordinance authorizing the Director of the City Planning Commission to enter into an agreement with the Mt. Pleasant NOW Development Corporation for the Transportation for Livable Communities Initiative for the proposed Mt. Pleasant Arts and Culture Entertainment District through the use of Ward 1 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Director of the Department of the City Planning Commission be authorized to enter into an agreement with the Mt. Pleasant NOW Development Corporation for the Transportation for Livable Communities Initiative for the proposed Mt. Pleasant Arts and Culture Entertainment District for the public purpose of improving traffic patterns that will enhance linkages for pedestrians, vehicles, bicycles and public transportation from Kinsman Road south to Union Avenue, and E. 142nd

Street west to E. 138th Street to promote the redevelopment in this neighborhood corridor that is in the city of Cleveland through the use of Ward 1 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$18,750 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Res. No. 11-12.**

**By Mayor Jackson and Council Members Kelley, Sweeney, Polensek, Cleveland, Brancatelli, Keane, Mitchell, Westbrook and Brady.**

**An emergency resolution urging Ohio United States Senators and Ohio United States Representatives to introduce and support legislation which enacts the provisions of the U.S. Conference of Mayors' Resolution No. 43 regarding the United States Environmental Protection Agency's enforcement policies of the Clean Water Act.**

Whereas, due to the growing need to clean up America's waterways, The Clean Water Act ("CWA") was enacted in 1972 as the principal law governing pollution of surface waters in the United States; and

Whereas, this legislation, among other things, outlined ambitious goals to improve water quality; and

Whereas, 40 years later, our cities and our nation have made great progress in cleaning up our waterways, and Ohio members of the U.S. Conference of Mayors ("Conference of Mayors") acknowledge that more needs to be done; and

Whereas, the United States Environmental Protection Agency ("USEPA") is the regulatory agency of the CWA and works to assure compliance with the CWA; and

Whereas, however, USEPA's current enforcement policies have resulted in various stages of vigorous enforcement actions that result in consent decrees creating billions of dollars in long-term liabilities to our cities; and

Whereas, these liabilities now translate into customer utility rates that are burdensome for poor households, and impose greater costs on our middle class families who have already experienced real wage decline over the past decade; and

Whereas, additionally, the USEPA continues to, or plans to, issue other water and wastewater/stormwater mandates that will force Ohio cities into yet more long-term borrowing that is unaffordable in light of substantially reduced local government revenue shortfalls and reductions in state and federal financial assistance; and

Whereas, at its June 2011 meeting, the Conference of Mayors adopted Resolution 43 to highlight these problems and also to offer a set of very practical solutions that still meets the goals and objectives of the CWA, but changes the policies guiding the USEPA's enforcement actions ("Resolution 43"); and

Whereas, over 20 Ohio cities, sewer districts, and professional associations, which represent millions of Ohio residents, have already adopted resolutions endorsing Resolution 43 and have urged their Congressional legislature to introduce and support legislation to enact the provisions of Resolution 43; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that this Council supports Resolution 43 and strongly urges our Ohio United States Senators and Ohio United States Representatives to introduce and support legislation which enacts the provisions of Resolution No. 43 to identify alternatives to the current enforcement policies of the USEPA while still meeting the goals and objectives of the CWA; now, therefore,

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

**Section 1.** That this Council urges the Ohio United States Senators and Ohio United States Representatives to introduce and support legislation which enacts the provisions of the Conference of Mayors' Resolution 43 regarding the USEPA's enforcement policies of the CWA. A copy of Resolution 43 has been placed in File No. 11-12-A.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution and file to Ohio United States Senators Sherrrod Brown and Rob Portman and to all Ohio United States Representatives.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 16-12.**

**By Council Member Zone.**

**An emergency resolution supporting the application from Detroit Shoreway Community Development Organization to the Northcoast Brownfield Coalition's Community Assessment Initiative for 1265 West 65th Street in Ward 15.**

Whereas, the Northcoast Brownfield Coalition makes funds available in Cuyahoga County for environmental assessment and remediation through its Community Assessment Initiative program; and

Whereas, Detroit Shoreway Community Development Organization is submitting a Community Assessment Initiative Application to the Northcoast Brownfield Coalition for Phase II of the "Robin Industries" building located at 1265 West 65th Street; and

Whereas, 1265 West 65th Street is an approximately 1.12 acre property identified as Permanent Parcel Number 002-10-001 in Ward 15 in the City of Cleveland; and

Whereas, a private developer will purchase the property to redevelop it into a mixed-use studio, office and residential building; and

Whereas, Detroit Shoreway Community Development Organization has identified the property as a priority site for the neighborhood and is fully supportive of the developer's redevelopment plan; and

Whereas, the City is committed to working with Detroit Shoreway Community Development Organization to pursue the remediation and redevelopment of the property; and

Whereas, the Northcoast Brownfield Coalition Community Assessment Initiative grant is vital to making the 1265 West 65th Street redevelopment project economically feasible; and

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

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

**Section 1.** That this Council hereby supports the application from Detroit Shoreway Community Development Organization to the Northcoast Brownfield Coalition's Community Assessment Initiative for 1265 West 65th Street in Ward 15.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 17-12.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the transfer of liquor license of a D5 and D6 Liquor Permit at 1313 West 6th Street and repealing Resolution No. 1529-11, objecting to said transfer.**

Whereas, this Council objected to the transfer of liquor license of a D5 and D6 Liquor Permit to MGFG, LLC, DBA Enigma, 1313 West 6th Street, Cleveland, Ohio 44113, Permanent No. 5378773, adopted by the Council on October 24, 2011; and

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

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

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

**Section 1.** That objection to a D5 and D6 Liquor Permit to MGFG, LLC, DBA Enigma, 1313 West 6th Street, Cleveland, Ohio 44113, Permanent No. 5378773 be and the same is hereby withdrawn and Resolution No. 1529-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

**Section 2.** That this resolution is hereby declared to be an emergency measure and provided it receives the

affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 18-12.**

**By Council Member Polensek.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 18506 St. Clair Avenue and repealing Resolution No. 986-11, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit at 18506 St. Clair Avenue, by Resolution No. 986-11 adopted by the Council on July 20, 2011; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon a cooperation agreement between Councilmember Michael D. Polensek and Applicant Ranjit Singh, President of DB Ohio Enterprise, Inc.; and

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to D B Ohio Enterprise, Inc., DBA Convenient Food Mart, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 18795700005 be and the same is hereby withdrawn and Resolution No. 986-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 19-12.**

**By Council Member Polensek.**

**An emergency resolution withdrawing objection to the renewal and issuance of a C1 and C2 Liquor Permit at 15222 Waterloo Road and repealing Resolution Nos. 1168-11 and 263-11, objecting to said renewal and permit.**

Whereas, this Council objected to a C1 and C2 Liquor Permit at 15222 Waterloo Road by Resolution No. 1168-11 adopted by the Council on August 17, 2011 and Resolution No. 263-11 adopted by the Council on February 28, 2011; and

Whereas, this Council wishes to withdraw its objections to the above renewal and permit based upon a cooperation agreement by and

between Councilmember Michael D. Polensek and said applicant in cooperation agreement; and

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to Waterloo Gas & Go, 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 9427085 be and the same is hereby withdrawn and Resolution Nos. 1168-11 and 263-11, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal and issuance of permit thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 20-12.**

**By Council Member Zone.**

**An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 6422 Storer Avenue, 1st floor and basement, and repealing Resolution No. 997-11, objecting to said renewal.**

Whereas, this Council objected to a D5 Liquor Permit at 6422 Storer Avenue, 1st floor and basement, by Resolution No. 997-11 adopted by the Council on July 20, 2011; and

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

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

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

**Section 1.** That objection to a D5 Liquor Permit to Ms. Debbie, LLC, DBA Victory Lap Café, 6422 Storer Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 6052915 be and the same is hereby withdrawn and Resolution No. 997-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**SECOND READING EMERGENCY ORDINANCE PASSED**

**Ord. No. 1715-11.**

By Council Members Miller and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of recycled or virgin asphalt concrete, for the Division of Streets, Department of Public Works and the various divisions of the Department of Public Utilities.

Approved by Directors of Public Works, Finance, Law; Relieved of Committee on Public Service; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**MOTION**

By Council Member Keane, seconded by Council Member Johnson and unanimously carried that the absence of Council Members Joe Cimperman and Brian J. Cummins be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 7:45 p.m. to meet on Monday, January 23, 2012 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

January 4, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 4, 2012 at 10:35 a.m. with Interim Director Langhenry presiding.

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

Absent: Mayor Jackson and Director Dumas.

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

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

**Resolution No. 1-12.**

By Director Withers.

Whereas, under authority of Ordinance No. 1036-07, passed by the

Council of the City of Cleveland on August 8, 2007, and Board of Control Resolution No. 531-11, adopted November 9, 2011, approved Rahim Inc. dba RNR Consulting as the firm to be employed by contract to provide professional consulting services necessary to provide professional customer service systems support, including general IT support, Cisco VoIP and call center support, business intelligence support and development, IT infrastructure support and Microsoft system support, in the aggregate amount of \$975,000.00, for the Division of Water, Department of Public Utilities; and

Whereas, by its December 19, 2011 letter, Rahim Inc. dba RNR Consulting requested the City's consent to add a sub-consultant; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following sub-consultant by Rahim Inc. dba RNR Consulting for the above-mentioned professional services is approved:

Sub-consultant	Work Percentage
TieBridge, Inc.	\$150,000.00 15.385%

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 2-12.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of HD Supply Waterworks, LTD for an estimated quantity of stop cock boxes, items 1-4, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on November 17, 2011 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$100,160.00 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$5,008.00.

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

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 3-12.**

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Industrial Paper Shredders, Inc. for one Paper Shredder System, all items, for the Division of Waste Collection and Disposal, Department of Public Works, received on November 11, 2011, under the authority of Ordinance No. 219-11, passed April 18, 2011, which on the basis of the order quantity would amount to \$92,580.00, is approved as the lowest and best bid, and the Director of Public Works, is requested to enter into contract for such items.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Industrial Paper Shredders, Inc. is approved:

<u>Subcontractor</u>	<u>Cert Status</u>
<u>CSB%</u>	<u>Amount</u>
Ohio Baler Company	Non-certified
0.00 %	\$21,768.00
EnduraVevo	Non-certified
0.00 %	\$8,517.00
	Total Participation
0.00 %	\$0.00

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 4-12.**

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that the bids received on November 30, 2011 for the West Side Market Phase II Improvements for the Department of Public Works, pursuant to the authority of Ordinance No. 489-07, passed by the Council of the City of Cleveland on June 4, 2007, as amended by Ordinance No. 1874-07, passed January 7, 2008, are rejected.

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 5-12.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 138-15-118 located at 4284 East 126th Street in Ward 2; and

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

Whereas, Christian Bailey has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Christian Bailey for the sale and development of Permanent Parcel No. 138-15-118 located at 4284 East 126th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 6-12.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 111-05-149 located at 507 East 115th Street in Ward 9; and

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

Whereas, Lawrence and Norma Wagner, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for Yard Expansion; and

Whereas, the following conditions exist:

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

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and

Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Lawrence and Norma Wagner for the sale and development of Permanent Parcel No. 111-05-149 located at 507 East 115th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 7-12.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 128-12-033 located at 9529 Parkview Avenue in Ward 4; and

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

Whereas, Donald and Delores Green has proposed to the City to purchase and develop the parcel for Yard Expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 4 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Donald and Delores Green for the sale and development of Permanent Parcel No. 128-12-033 located at 9529 Parkview Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox,

Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 8-12.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 116-33-048 located at 18717 Ironwood Avenue in Ward 11; and

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

Whereas, Keith L. Smith has proposed to the City to purchase and develop the parcel for Yard Expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 11 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Keith L. Smith for the sale and development of Permanent Parcel No. 116-33-048 located at 18717 Ironwood Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$500.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 9-12.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 125-34-079 located at 3424 East 73rd Street in Ward 5; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when

certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Nicole E. Pappas has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Nicole E. Pappas for the sale and development of Permanent Parcel No. 125-34-079 located at 3424 East 73rd Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, JANUARY 23, 2012**

**9:30 A.M.**

**Calendar No. 11-237:** 1192 East 40th Street (Ward 3)

The 1192 Group Partnership LLC, owner, appeals for a change of use from a factory, warehouse, to a private club, assembly hall, in an existing building located on a 136.25' x 329.67' lot in a B3 General Industry District; subject to the provisions under Section 349.04(e) in the Cleveland Codified Ordinances, the proposed use requires accessory off-street parking that is a total parking area equal to three times the gross floor area.

**Calendar No. 11-238:** 2161 West 101st Street (Ward 16)

Evelyn Jackson, owner, appeals to enclose an existing 9' x 27' wooden, open front porch, requesting an enclosed porch that projects 9 feet, contrary to the limitation of 4 feet that is allowed under Section 357.13(b)(4) in the Cleveland Codified Ordinances.

**Calendar No. 11-239:** 789 East 99th Street (Ward 8)

James and Betty Jefferson, owners, and BeNita Martinez, tenant, appeal to establish use as a Type A day care within the first floor of an existing two family residence on a 40' x 91.95' lot in a B1 Two-Family District; subject to the limitations of Section 337.03, and by reference to Section 337.02(f)(3)(C), the proposed use must be not less than 30 feet from any adjoining premises in a residence district and requires public notice, hearing and approval by the Board of Zoning Appeals to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board, such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood.

**Calendar No. 11-240:** 3255 West 58th Street (Ward 15)

Robert Cisar, owner, appeals to use a building as a garage for storage as the sole, primary use of a 38' x 122.58' parcel located in a B1 Two-Family District; subject to the limitations under Section 337.03 the proposed use of the premises is not permitted and first permitted as a primary use in a Semi-Industry District, and permitted only as an accessory use in a residence district in accordance with the provisions under Sections 337.23(a)(7) in the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, JANUARY 9, 2012**

At the meeting of the Board of Zoning Appeals on Monday, January 9, 2012, the following appeals were heard by the Board.

The following appeal was **APPROVED:**

**Calendar No. 11-224:** 8101 Hough Avenue  
M.A.S.H. Ministries appealed for an area variance only to establish use as a church in a C2 Multi-Family District.

**Calendar No. 11-235:** 16419 St. Clair Avenue  
Recycle Midwest, Inc. appealed to establish use as a recycling plant in a C2 Semi-Industry District; subject to condition.

**Calendar No. 11-236:** 12617 Edmonton Road  
Regina Vaughn appealed to install a wheelchair lift within the front yard setback in a B1 Two-Family District.

**Calendar No. 11-176:** 3860 West 140th Street  
Yuleter Deleon appealed to establish use as a motor vehicle minor repair garage on a corner property in a C1 Local Retail Business District; subject to conditions.

The following appeal was **DENIED:**

**Calendar No. 11-234:** 12728 Bellaire Road  
ABC Taxi Company, LLC appealed to establish use for taxicab services on consolidated lots in C1 Local Retail Business and B1 Two-Family Districts.

The following appeals were **DISMISSED:**

None.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **POSTPONED:**

None.

The following appeal heard by the Board on January 3, 2012 was adopted and approved on January 9, 2012.

The following appeal was **APPROVED:**

**Calendar No. 11-230:** 1867-73 West 25th Street  
P&M Ohio City, LLC appealed to change use from a nonconforming night club to an ice cream production facility with a dining area in a C4 Local Retail Business District.

The following appeal was **DENIED:**

**Tow Truck Driver's License**  
**Calendar No. 11-231:** Appeal of Carlan V. Frazier  
Carlan V. Frazier appealed from the decision of the Commissioner of Assessments and Licenses to not issue a Tow Truck Driver's License.

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

Re: Report of the Meeting of January 4, 2012

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland,

Ohio 1976, the following brief of action of the subject meeting is given for publication in the City Record:

\* \* \*

**Docket A-168-11.**

RE: Appeal of Chris Jurcisin, Owner of the Two Dwelling Units Two Family Residence Two & One/half Story Frame Property located on the premises known as 2482 East 124th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated April 18, 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-168-11 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-169-11.**

RE: Appeal of Edward Byszewski, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 4241 East 71st Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated April 28, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

\* \* \*

**Docket A-170-11.**

RE: Appeal of Delon Burrell, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property, located on the premises known as 3360 East 149th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated May 4, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to 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. Gallagher.

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

\* \* \*

**Docket A-173-11.**

RE: Appeal of Evergreen Castle, Owner of the Two Dwelling Units

Two-Family Residence Two & One/half Story Frame Property located on the premises known as 847 East 129th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 29, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal request for eleven (11) months in which to abate the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-174-11.**

RE: Appeal of Dan Andreasik, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 10922 Oliver Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, 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).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant one (1) year in which to complete abatement of the violations, the docket is to be kept open for re-application if the time must be extended. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-175-11.**

RE: Appeal of Therese A. Fuller, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 1374 West 87th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 11, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

**Docket A-176-11.**

RE: Appeal of Yakup Cukurcayir/Herman D. Thomas, Owners of the B Business - Offices, Laboratories, Adult School One Story Frame Property located on the premises known as 11885 Bellaire Road from a NOTICE OF VIOLATION - UNAUTHORIZED/ILLEGAL USE, dated November 17, 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, that based on the testimony presented and the photographs, a motion is in order at this time to DENY the appeal request and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-177-11.**

RE: Appeal of John Carpenter, Owner of the Three Dwelling Units Three-Family Residence Two & One/half Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 7416 Cornelia Avenue from a CONDEMNATION ORDER - MAIN STRUCTURE, dated May 14, 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 DENY the appeal request for more time and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-178-11.**

RE: Appeal of Michael M. Stewart, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 13817 Svec Avenue from a CONDEMNATION ORDER - MAIN STRUCTURE, dated January 24, 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-178-11 have been POSTPONED; to be rescheduled for January 18, 2012.

\* \* \*

**Docket A-190-11.**

RE: Appeal of Hatim Nassir, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2620 East 115th Street from a CONDEMNATION ORDER - MAIN STRUCTURE, dated March 22, 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-190-11 have been POSTPONED; to be rescheduled for January 18, 2012.

\* \* \*

**Docket A-251-11.**

RE: Appeal of The Glidden House, Owner of the Property located on the premises known as 1901 Ford Drive from an ADJUDICATION ORDER, dated December 23, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Adjudication Order was properly issued, the plans do not indicate compliance with the current code; and the Appellant is directed to submit adequate plans to the Department of Building and Housing indicating compliance and/or areas of appeal. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-276-11.**

RE: Appeal of Ocie Lee Smith, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 3517 East 133rd Street from a VACATE ORDER, and NOTICE OF VIOLATION - INTERIOR/EXTERIOR MAINTENANCE, dated August 28, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for additional time, noting the danger presented by the condition of the property at this time; the property is REMANDED at this time to the Department of Building and Housing for supervision and required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-287-11.**

RE: Appeal of Fiduciary Leaders Inc., Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property located on the premises known as 19306 Nottingham Road from a CONDEMNATION ORDER - MAIN STRUCTURE, dated February 4, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal and to require the Appellant

to immediately obtain permits and a Certificate Of Occupancy and abate all violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-387-11.**

RE: Appeal of Ohio Parking Systems of Cleveland, Owner of the Property located on the premises known as 1277 Hamilton Avenue from an ADJUDICATION ORDER, dated December 13, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the fabric to be used in the manner presented with the provision that the structure be re-analyzed for wind resistance, structural ability based on the density and area of the material. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Bradley and seconded by Mr. Gallagher 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-137-11 - RRST
- A-149-11 - Alma Boyd
- A-157-11 - John T. Marek
- A-160-11 - Tia M. Edmonson
- A-161-11 - Mr. Donald G. Ruff
- A-163-11 - Tana & Dennis O'Donnell
- A-164-11 - Mary Hubbard
- A-193-11 - Martin J McBride

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

\* \* \*

**APPROVAL OF MINUTES:**

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

December 7, 2011

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

\* \* \*

JOSEPH F. DENK  
Chairman

**NOTICE OF PUBLIC HEARING**

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

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Wednesday, January 18, 2012  
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on January 18, 2012, at 1:00 p.m., to consider the following ordinance now pending in the Council:

**Ordinance No. 1602-11**

By Council Member Cimperman.  
An ordinance to change the Use and Area Districts of lands located on the south side of Hancock Avenue east of West 28th Street to Semi-Industry Use District and a 'C' Area District from Two Family Residential and a 'B' Area District (Map Change No. 2382, Sheet Number 1).

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

Phyllis E. Cleveland  
Chair  
Committee on City Planning

January 4, 2012 and January 11, 2012

**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, JANUARY 19, 2012**

**File No. 1-12 — Bessemer Avenue Extension, Phase IIB East 88th/Crane/East 91st Reconstruction**, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 721-10, passed by the Council of the City of Cleveland, June 7, 2010.

**THERE WILL BE A NON-REFUNDABLE FEE FOR THESE PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) THE ONLY FORM OF PAYMENTS ACCEPTED ARE CASHIER CHECKS AND OR MONEY ORDERS MADE OUT TO THE CITY OF CLEVELAND (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE THE PLANS AND SPECIFICATIONS).**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 12, 2012 AT 1:30 P.M. THE CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**File No. 3-12 — City of Cleveland Construction Contract for the City Wards for Year 2012 Concrete Requirements Contract**, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 1603-11, passed by the Council of the City of Cleveland, December 5, 2011.

**THERE WILL BE A NON-REFUNDABLE FEE FOR THESE PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) THE ONLY FORM OF PAYMENTS ACCEPTED ARE CASHIER CHECKS AND OR MONEY ORDERS MADE OUT TO THE CITY OF CLEVELAND (NO COMPANY CHECKS,**

**NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE THE PLANS AND SPECIFICATIONS).**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 12, 2012 AT 9:30 A.M. THE CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

January 4, 2012 and January 11, 2012

**FRIDAY, JANUARY 27, 2012**

**File No. 2-12 — Processing of Recyclable Materials**, for the Division of Waste Collection and Disposal, Department of Public Works, as authorized by Section 181.18 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, JANUARY 17, 2012 AT 11:30 A.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

January 4, 2012 and January 11, 2012

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

**Monday, January 9, 2012  
2:00 p.m.**

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

**Tuesday, January 10, 2012  
9:30 a.m.**

**Community and Economic Development Committee:** Present: Brancatelli, Chair; Dow, Vice Chair; Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone. *Authorized Absence:* Cimperman.

**Wednesday, January 11, 2012  
10:00 a.m.**

**TOUR/Public Utilities Committee:** Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Polensek, Westbrook. *Authorized Absence:* Dow, Miller, Pruitt.



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