

# The City Record

Official Publication of the Council of the City of Cleveland



December the Eleventh, Two Thousand and Thirteen

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

### MAYOR – Frank G. Jackson

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

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

#### DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### OFFICES:

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**POLICE REVIEW BOARD** – Thomas Jones, Board Chair Person; Vernon Collier, 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, Giancarlo Calicchia, John Torres, Robert Vitkas, Robert Keiser, Secretary.

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

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

### Judge Courtroom

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

Judge Pinkey S. Carr – Courtroom 12B

Judge Marilyn B. Cassidy – Courtroom 13A

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Ed Wade – Courtroom 12A

Judge Joseph J. Zone – Courtroom 14D

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

# The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 100

WEDNESDAY, DECEMBER 11, 2013

No. 5218

## CITY COUNCIL

MONDAY DECEMBER 9, 2013

The City Record  
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Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

December 4, 2013

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 4, 2013 at 10:53 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Acting Director Wood, Directors Smith, Cox, Butler, Acting Director Withers, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

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

Tiffany White, Commissioner, Purchases & Supplies.

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

#### Resolution No. 678-13.

By Director Bender.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Emerald Environmental Services, Inc. for an estimated quantity of the purchase of hauling and disposing of water plant residuals, all items, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, with two one-year options to renew, received on October 10, 2013 under the authority of Ordinance No. 807-13, passed July 10, 2013, which on the basis of the estimated quantity would amount to \$279,400.00 (1%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Directors Langhenry, Dumas, Acting Director Wood, Directors Smith, Cox, Butler, Acting Director Withers, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

#### Resolution No. 679-13.

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 1265-12, passed by the Council of the City of Cleveland on October 1, 2012, the firm of Recess Creative, LLC ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to implement a marketing program promoting Cleveland Hopkins International Airport and Burke Lakefront Airport to include advertising, public relations, public affairs and promotions, for a

period of one year (1), with three (3) one-year options to renew.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Recess Creative, LLC for the above-mentioned services, based upon its proposal dated May 6, 2013, which contract shall be prepared by the Director of Law, shall provide that the compensation to Recess Creative, LLC for the services authorized shall not exceed \$180,000.00 per year plus approved reimbursable expenses, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultant by Recess Creative, LLC is approved:

<u>Subconsultant</u>	<u>Percentage Amount</u>
Genie Repros, Inc.	10.0% - CSB \$18,000.00

Yeas: Directors Langhenry, Dumas, Acting Director Wood, Directors Smith, Cox, Butler, Acting Director Withers, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 680-13.**

By Director Cox.

Whereas, Resolution No. 259-13, adopted by this Board on May 22, 2013, authorized the Director of Public Works to enter into a contract with Snavelly Excavating Company as the lowest responsible bidder for the public improvement of Luke Easter Park Tennis Court Improvements in the aggregate amount of \$304,791.52; and

Whereas, Snavelly Excavating Company has requested the City's consent to employ additional firms as subcontractors and to modify the participation amount of Down to Earth Landscaping (CSB/FBE), previously approved as a subcontractor for the project; and

Whereas, the Director of the Office of Equal Opportunity has determined that Snavelly Excavating Company has made a good-faith effort to maintain and fulfill its bid commitment to CSB subcontractor participation by addition of certain firms and modification of the previously approved subcontractor's participation for the project; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 259-13, adopted May 22, 2013, approving a contract with Snavelly Excavating Company for the public improvement of Luke Easter Park Tennis Courts is amended by revising the participation amount of Down to Earth Landscaping (CSB/FBE) to that listed below and by adding the employment of the subcontractors further listed below as approved for the project, as follows:

<u>SUBCONTRACTORS</u>	<u>AMOUNT PERCENTAGE</u>
Down To Earth Landscaping (CSB/FBE)	\$25,359.90 8.320%

Cherokee Demolition (other)	\$33,014.50 10.832%
Cuyahoga Fence (CSB/FBE)	\$ 6,642.62 2.179%
Great Lakes Pipeline (CSB/LPE)	\$ 1,800.00 0.591%
Contractors Design (other)	\$ 900.00 0.029%

Be it further resolved that all other provisions of Resolution No. 259-13 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Dumas, Acting Director Wood, Directors Smith, Cox, Butler, Acting Director Withers, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 681-13.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 108-29-002 located at 706 Lakeview Road 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; and

Whereas, Syed A. Burhanuddin 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 approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Syed A. Burhanuddin for the sale and development of Permanent Parcel No. 108-29-002 located at 706 Lakeview Road, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$200.00, which amount is

determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Acting Director Wood, Directors Smith, Cox, Butler, Acting Director Withers, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 682-13.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 126-30-024, 126-30-026, 126-30-027, 126-30-070, 126-30-071 and 126-32-021 located in various locations 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, Northeast Ohio Regional Sewer District has proposed to the City to purchase and develop the parcels for a green infrastructure project; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Northeast Ohio Regional Sewer District for the sale and development of Permanent Parcel Nos. 126-30-024, 126-30-026, 126-30-027, 126-30-070, 126-30-071 and 126-32-021, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcels shall be \$30,900.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Acting Director Wood, Directors Smith, Cox, Butler, Acting Director Withers, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, DECEMBER 23, 2013**

**No appeals will be heard on December 23, 2013.**

The regular Monday schedule for the Board of Zoning Appeals will resume on December 30, 2013.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, DECEMBER 9, 2013**

At the meeting of the Board of Zoning Appeals on Monday, December 9, 2013, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 13-251:** 4345 State Road St. Mary of Egypt Orthodox Monastery appealed to change use of a nonconforming warehouse building to a food warehouse and food distribution center in a C2 General Retail Business District.

The following appeals were **DENIED:**

**Calendar No. 13-162:** 5466 Broadway Avenue Milan Radjenovic, owner, and Regina Witherspoon, prospective tenant, appealed to establish use of

a one-story building as an assembly hall for parties and events in a C2 Local Retail Business District.

**Calendar No. 13-228:** 4571 Niessen Court

Wilfredo Serrano appealed to install a 5 feet high ornamental fence in the actual front yard of a parcel in a B1 Two-Family District.

**Calendar No. 13-229:** 4575 Niessen Court

Wilfredo Serrano appealed to install a 5 feet high ornamental fence in the actual front yard of a parcel in a B1 Two-Family District.

The following appeals were **WITHDRAWN:**

None.

The following appeal was **DISMISSED:**

None.

The following appeals were **POSTPONED:**

**Calendar No. 13-246:** 10914 Hulda Avenue postponed to January 27, 2014

**Calendar No. 13-247:** 4414-20 Pearl Road postponed to January 21, 2014

**Calendar No. 13-252:** 12716 Buckeye Road postponed to January 27, 2014

**Calendar No. 13-253:** 4600 West 160th Street postponed to February 3, 2014.

The following appeal heard by the Board on December 2, 2013 was adopted and approved on December 9, 2013:

**Calendar No. 13-243:** 2393 Professor Avenue

2393 Tremont LLC appealed to expand use of a restaurant/tavern to the second floor of a two-story building in a C1 General Retail Business District.

The following appeal dismissed by the Board on December 2, 2013 was reinstated on December 9, 2013:

**Calendar No. 13-186:** 7830 Kinsman Road

Cuyahoga Metropolitan Housing Authority appealed to erect a four-story apartment building in a C1 Multi-Family District.

Secretary

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

Re: Report of the Meeting of December 4, 2013

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

**Docket A-226-13.**

RE: Appeal of Fred Dawson, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 3719 Park Place Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated July 9, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to remove the debris and make the front of the building presentable to the neighborhood within two (2) weeks, and to grant the Appellant sixty (60) days in which to submit a plan to the Building Department for the rehabilitation plan; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-240-13.**

RE: Appeal of DAR 130, LLC, Owner of the Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property, located on the premises known as 3038 East 116th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated August 20, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain all required permits, and six (6) months in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

\* \* \*

**Docket A-241-13.**

RE: Appeal of John Lamb, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 1408 West 58th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 30, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional 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. Saab.

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

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**Docket A-242-13.**

RE: Appeal of Shawnee Fox, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 9414 Elizabeth Avenue from a VACATE ORDER, dated September 19, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Vacate Order was properly issued and had been enforced; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the Appellant has a rehabilitation plan for permits in place. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

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**Docket A-243-13.**

RE: Appeal of Jihad Geagea, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 5711 Storer Avenue from a NOTICE OF VIOLATION — FIRE DAMAGE, dated August 22, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-243-23 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-244-13.**

RE: Appeal of Kim Middlebrooks, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 7705 Connecticut Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 15, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-244-13 has been POSTPONED; to be rescheduled for December 18, 2013.

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**Docket A-245-13.**

RE: Appeal of Laura K. Bolen & Ola M. Bolen, Owners of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 19508 Mohican Avenue from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS and from a CONDEMNATION ORDER — GARAGE, dated August 26, 2013 of the Director of the Department of

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

Docket A-245-13 has been POSTPONED; to be rescheduled for December 18, 2013.

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**Docket A-246-13.**

RE: Appeal of Southern Whips LLC, Owner of the S-1 Storage — Moderate Hazard (Combustibles) One Story Masonry Property, located on the premises known as 3891 East 131st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 26, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-246-13 has been POSTPONED; to be rescheduled for December 18, 2013.

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**Docket A-247-13.**

RE: Appeal of University Settlement, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 4351 East 77th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 17, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that the feasibility of any financial settlement appears to be not possible. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-248-13.**

RE: Appeal of 4100-4150 Brookpark Properties LLC C/O Harbor Roofing Co., Inc., Owner/Contractor of the F-2 Factory — Low Hazard (Non-combustibles) One Story Masonry Property, located on the premises known as 4100 Brookpark Road from a NOTICE OF VIOLATION — POOR WORKMANSHIP, dated August 22, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

**Docket A-249-13.**

RE: Appeal of Mohammed Albelisi C/O K.A.M. Construction, LLC /Two Great Lake, Inc., Owner/Contractor of the Property, located on the premises known as 4030 East 131st Street from a NOTICE OF VIOLATION — POOR WORKMANSHIP, dated August 21, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-249-13 has been POSTPONED; to be rescheduled for December 18, 2013.

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**Docket A-250-13.**

RE: Appeal of Leatrice JW Emeruwa, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 2635 East 121st Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated August 28, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain all required permits and sixty (60) days in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

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**Docket A-251-13.**

RE: Appeal of Imagine Properties, LLC, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 2085 West 85th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 5, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require that the roof be maintained weather-tight and that the exterior safety issue be abated within the next four (4) weeks; and to grant the Appellant six (6) months in which to complete replacement of the roof; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-252-13.**

RE: Appeal of Edward R. VanValkenburgh, Owner of the Two Dwelling Units Two-Family Resi-

dence Two Story Frame Property and One Story Garage — Detached Property, located on the premises known as 3031 West 115th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated September 4, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-252-13 has been POSTPONED; to be rescheduled for December 18, 2013.

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**Docket A-254-13.**

RE: Appeal of Carole J. Burns, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 673 East 120th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated August 23, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain permits and present a plan of how the abatement is going to proceed, and to grant the Appellant one hundred-eighty (180) days in which to complete abatement of the violations, with additional time with good progress; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-256-13.**

RE: Appeal of Denise Ceasor, Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property, located on the premises known as 12615 Brooklawn Avenue from a LIMITATION ON THE PERMIT, dated September 20, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, that based upon the testimony and photographic evidence, a motion is in order at this time to DENY the Appellant's request for an Extension of Time on the permit 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. Saab.

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

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**Docket A-281-13.**

RE: Appeal of Statler Arms L/Cal LLC C/O LCOR Lamp LLC, Owner of the Property, located on the premises known as 1127 Euclid Avenue from an ADJUDICATION

ORDER, dated October 14, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variances requested on the Adjudication Order dated October 14, 2013; Item1/ASME A17.1.2.2.4.2 — to allow a portable ladder in passenger elevator number two, noting that it is feasible and will be located in a convenient location for that pit; Item2/OBC 707.4 — to find that patching of the one hour plaster and tile wall has been reviewed by the City, noting that it will be smoke-proof when it is done and will comply with the safety of the two-hour rating, and that this variance does not override any future Federal requirements. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

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**Docket A-288-13.**

RE: Appeal of Arbor-Park Village Phase 1 Associates LP, Owner of the Property, located on the premises known as 3518 Ali-Bey Avenue from an ADJUDICATION ORDER, dated November 7, 2013, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the clearance requirements in the corridor, the door opening, and to the two-hour separation requirement, noting that the use is not considered more hazardous by the Board; and that the Appellant is required to provide a drawing indicating the sink piping and the ADA hardware, and that the temporary clinic use will be time limited to a maximum of three (3) years.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-210-13 — Neil T. Clough
- A-211-13 — Neil T. Clough
- A-220-13 — George Redcross
- A-223-13 — Neil T. Clough
- A-224-13 — Neil T. Clough

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

\* \* \*

Separate motions were entered by Mr. Saab 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-218-13 — Catherine & Quentin Carter
- A-225-13 — 275 East 131st Street Group
- A-233-13 — Dennis Althar
- A-234-13 — Antoinette Dixon
- A-235-13 — John Lewis

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

\* \* \*

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

- A-228-13 — Shana McDade
- A-230-13 — Francita Salem
- A-236-13 — JBL Funding

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

\* \* \*

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

- A-231-13 — K and W
- A-279-13 — Don Dickerson

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

\* \* \*

**APPROVAL OF MINUTES:**

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

November 20, 2013

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

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

## CITY OF CLEVELAND BIDS

## For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

## WEDNESDAY, JANUARY 22, 2014

**File No. 187-13 — ART Gallery Dedication Project**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 359-05, passed by the Council of the City of Cleveland, May 2, 2005.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, DECEMBER 12, 2013 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, CLEVELAND PLUS CONFERENCE ROOM (BAGGAGE LEVEL IN TERMINAL), 5300 RIVERSIDE ROAD, CLEVELAND, OHIO 44181.

\*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

November 27, 2013 and December 4, 2013 and December 11, 2013

## WEDNESDAY, JANUARY 22, 2014

**File No. 189-13 — Purchase of 15KV Walk-in Switchgear for Harvard Substation (Re-bid)**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 556-08, passed by the Council of the City of Cleveland, June 9, 2008.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, DECEMBER 12, 2013 AT 11:00 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

December 4, 2013 and December 11, 2013

## THURSDAY, JANUARY 23, 2014

**File No. 190-13 — Purchase of Various Types of Safety Equipment Required for OSHA/PERRP Compliance (Re-Bid)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 26-13, passed by the Council of the City of Cleveland, January 28, 2013.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, DECEMBER 12, 2013 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 2ND FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

December 4, 2013 and December 11, 2013

## FRIDAY, JANUARY 24, 2014

**File No. 191-13 — Labor and Materials for Rigging Services (Re-bid)**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-12, passed by the Council of the City of Cleveland, December 3, 2012.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, DECEMBER 13, 2013 AT 10:00 A.M. CLEVELAND PUBLIC POWER DIVISION, TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

December 4, 2013 and December 11, 2013

## WEDNESDAY, JANUARY 22, 2014

**File No. 192-13 — Municipal Parking Lot Site Improvements**, for the Division of Architecture and Development, Department of Public Works, as authorized by Ordinance No. 1229-13, passed by the Council of the City of Cleveland, November 18, 2013.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, DECEMBER 19, 2013 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 517A 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

\*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

December 11, 2013 and December 18, 2013

## ADOPTED RESOLUTIONS AND ORDINANCES

## Res. No. 1640-13.

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

An emergency resolution supporting comprehensive immigration reform and urging the U.S. Congress to enact reforms that ensure economic strength and promote stronger communities.

Whereas, this Council recognizes the economic, social and cultural contributions immigrants bring to our communities and, in particular, to the City of Cleveland; and

Whereas, since the City's founding over 217 years ago, immigrants have had a significant role in Cleveland's cultural and economic vitality; and

Whereas, the responsibility of municipal leaders is to protect the well-being and safety of all people residing in their cities; and

Whereas, it is the duty of our local leaders to respect the rights of, and provide equal services to, all individuals regardless of national origin or immigration status; and

Whereas, our nation's immigration policies are federal responsibilities that are in desperate need of reform; and

Whereas, a talented workforce made up of both skilled and unskilled labor is a key driver of our local economy; and

Whereas, there is a need for an improved program that provides the City's businesses the opportunity to employ foreign workers, when necessary, to improve economic competitiveness; and

Whereas, family unity is a component of a strong economy, and reunification of families has been a key part of federal immigration policy for almost fifty years; and



Whereas, there is broad support and collaboration among both business and labor groups to promote comprehensive immigration reform that provides sensible and effective solutions; and

Whereas, this Council believes that any newly enacted comprehensive immigration reform must:

1. Provide a path to citizenship for the nearly 11 million undocumented immigrants who live in the United States today.

2. Establish an improved visa program, such as the proposed W-Visa, to provide our businesses with the ability to hire certain categories of foreign workers when legal residents are unavailable or unwilling to fill jobs.

3. Create a methodology that accurately assesses labor market needs in order to determine the number of foreign workers to be admitted for employment purposes annually.

4. Increase efforts to advance workforce talent outreach internationally and strengthen programs in domestic science, technology, engineering, arts, and mathematics (STEAM) training, to improve ongoing economic competitiveness, while also promoting legal immigration opportunities.

5. Create a streamlined process to resolve the backlog of existing visa applications and develop methods to ensure the efficient processing of future immigration applications in a timely manner, which will expedite re-unification of families.

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

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

**Section 1.** That this Council supports comprehensive immigration reform and urges the U.S. Congress to enact reforms that ensure economic strength and promote stronger communities.

**Section 2.** That the Clerk of the Council is directed to transmit copies of this resolution to the President Barack Obama, Speaker of the House of Representatives John Boehner, Majority Leader of the Senate Harry Reid, and all Honorable Members of the U.S. Congress representing the City of Cleveland.

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

Adopted December 2, 2013.

Effective December 3, 2013.

**Res. No. 1645-13.**

**By Council Member J. Johnson.**

**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit to 3604 Superior Avenue, 1st floor and basement.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit from Old Dutch Tavern, Inc., 3604 Superior Avenue, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 6529025 to Marjees,

LLC, 3604 Superior Avenue, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 5546136; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit from Old Dutch Tavern, Inc., 3604 Superior Avenue, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 6529025 to Marjees, LLC, 3604 Superior Avenue, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 5546136; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted December 2, 2013.

Effective December 3, 2013.

**Res. No. 1646-13.**

**By Council Member Reed.**

**An emergency resolution objecting to the transfer of Liquor License of a C2 and C2X Liquor Permit to 4096 East 131st Street.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a transfer of Liquor License of a C2 and C2X Liquor Permit from Sophie T. Inc., DBA Imperial Deli & Beverage, 12301-03 Imperial Avenue, 1st floor and basement, Cleveland, Ohio 44120, Permanent Number 9120790 to Rauhi Rahman, 4096 East 131st Street, Cleveland, Ohio 44105, Permanent Number 7204004; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of Liquor License of a C2 and C2X Liquor Permit from Sophie T. Inc., DBA Imperial Deli & Beverage, 12301-03 Imperial Avenue, 1st floor and basement, Cleveland, Ohio 44120, Permanent Number 9120790 to Rauhi Rahman, 4096 East 131st Street, Cleveland, Ohio 44105, Permanent Number 7204004; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted December 2, 2013.

Effective December 3, 2013.

**Res. No. 1647-13.**  
**By Council Member Cimperman.**  
**An emergency resolution objecting to a New D5H Liquor Permit at 2831 Franklin Boulevard.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New D5H Liquor Permit at Halcyon Charities, Inc., DBA Ohio City Masonic Temple, 2831 Franklin Boulevard, Cleveland, Ohio 44113, Permanent Number 3506675; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New D5H Liquor Permit at Halcyon Charities, Inc., DBA Ohio City Masonic Temple, 2831 Franklin Boulevard, Cleveland, Ohio 44113, Permanent Number 3506675; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted December 2, 2013.

Effective December 3, 2013.

**Ord. No. 1518-13.**  
**By Council Members Brancatelli, Cleveland and Kelley (by departmental request).**

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

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

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

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

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

Beginning at the intersection of the Northeasterly right of way line of Ontario Street (99 feet wide) with the Southeasterly right of way line of Lakeside Avenue N.E. (99 feet wide), the same being the Northwesterly corner of said Parcel "C";

**Course 1:**

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

**Course 2:**

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

**Course 3:**

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

**Course 4:**

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

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

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

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

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

**Section 5.** That the Director of Economic Development is authorized to enter into an agreement with the County and the Port Authority which shall include the terms and conditions of the transaction authorized by this ordinance.

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

Passed December 2, 2013.

Effective December 2, 2013.

**Ord. No. 1519-13.**  
**By Council Members Brancatelli, Cleveland and Kelley (by departmental request).**

**An emergency ordinance authorizing execution of a cooperative agreement with the Cleveland-Cuyahoga County Port Authority and County of Cuyahoga, Ohio relating to the financing, construction, ownership and operation of a public hotel to be built on land adjacent to the Convention Center and to provide for the construction of certain other public improvements to connect various public and private spaces in downtown Cleveland, authorizing contribution of various City funding sources and authorizing and approving related matters.**

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

Whereas, the City, the County of Cuyahoga, Ohio (the "County") and the Cleveland-Cuyahoga County Port Authority (the "Port Authority") desire to undertake certain cooperative arrangements as are necessary and appropriate to provide for (1) the financing, construction, ownership and operation of a public hotel to be built on publicly-owned land adjacent to the Global Center for Health Innovation and Cleveland Convention Cen-

ter and the City's Mall B, and (ii) the construction of certain public improvements to enhance connection with various public and private spaces in downtown Cleveland (collectively, the "Project"); and

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

Whereas, the City intends to enter into a Cooperative Agreement among the City, the County and the Port Authority ("Cooperative Agreement") to implement the Project and in furtherance of Public Purposes described herein; and

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

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

**Section 1. Determinations by Council.** This Council finds and determines as follows:

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

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

1. Amounts received by the City or its designee from payments in lieu of taxes paid with respect to the hotel property.

2. The City Transient Occupancy Tax equivalent to the City Transient Occupancy Tax collected on the hotel to be built adjacent to the convention center, provided that the interest on the certificates of participation described in the Cooperative Agreement is exempt from federal income tax while those certificates are outstanding, subject to annual appropriation.

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

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

adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that the Cooperative Agreement is not adverse to the City shall be conclusively evidenced by the signing and delivery of that Cooperative Agreement by those officers.

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

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

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

**Section 5. Validity.** It is found and determined, and is hereby represented and recited, that all applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

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

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

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

Passed December 2, 2013.  
Effective December 2, 2013.

**Ord. No. 1544-13.**

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

**An emergency ordinance authorizing the Director of Community Relations to apply for and accept a grant from Cuyahoga County Juvenile Court to conduct the 2014 Community Diversion Program.**

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

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

**Section 1.** That the Director of Community Relations is authorized to apply for and accept a grant in the approximate amount of \$15,000, and any other funds that may become available during the grant term from Cuyahoga County Juvenile Court to conduct the 2014 Community Diversion Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the FY 2014 agreement for the grant contained in the file described below.

**Section 2.** That the FY 2014 agreement, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1544-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

**Section 4.** That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Community Relations may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

**Section 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.

Passed December 2, 2013.  
Effective December 3, 2013.

**Ord. No. 1547-13.**

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

**An emergency ordinance authorizing the Director of Community Relations to apply for and accept a grant from Cuyahoga County for the FY 2013 Juvenile Accountability Block Grant Program.**

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

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

**Section 1.** That the Director of Community Relations is authorized to apply for and accept a grant in the approximate amount of \$24,364, and any other funds that may become available during the grant term from Cuyahoga County to conduct the FY 2013 Juvenile Accountability Block Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the Solicitation for Applications FY 2013 for the grant contained in the file described below.

**Section 2.** That the Solicitation for Applications FY 2013 for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1547-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

**Section 3.** That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Community Relations may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

**Section 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.

Passed December 2, 2013.

Effective December 3, 2013.

**Ord. No. 1551-13.**  
**By Council Members Brancatelli, Cleveland and Kelley (by departmental request).**

**An emergency ordinance authorizing the execution and delivery of an Amended and Restated Petition and approving the Amended and Restated Petition, Articles of Incorporation and Revised Plan of the Northeast Ohio Advanced Energy District; and declaring an emergency.**

Whereas, this Council adopted Resolution 1078-10, a Petition that authorized the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District (the "District") through the adoption of a petition that designated a parcel within the City for the implementation of an eligible special improvement project (the "Petition"); and

Whereas, the District is a special improvement district formed under Chapter 1710 of the Ohio Revised Code ("the Revised Code") and is authorized to levy assessment to pay costs for developing and implementing plans for public improvements and public services that ben-

efit the special improvement district, including special energy improvement projects as defined within Chapter 1710 of the Revised Code; and

Whereas, the District prepared and adopted a proposed initial plan for special energy improvement projects benefitting the district (the "Plan"), which was submitted to the City and adopted by this Council with the Petition included in File No. 1078-10-A; and

Whereas, the Petition and Plan provided for solar photovoltaic and solar thermal energy improvement projects; and

Whereas, Chapter 1710 of the Revised Code has been expanded and authorizes the District to levy an assessment in support of a special energy improvement project including a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, defined as including energy efficiency technologies, products, and activities that reduce and support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy; and

Whereas, the District has proposed and the Mayor and the Director of Economic Development have agreed and are requesting this Council to adopt an Amended and Restated Petition, containing an Amended Plan, that authorizes the District to levy a special assessment in support of special energy improvement projects authorized under Chapter 1710 of the Revised Code; 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 Economic Development is authorized to execute and deliver the Amended and Restated Petition on behalf of the City in substantially the form on file with the Clerk of Council, File No. 1551-13-A, together with such revisions and additions as are approved by the Director of Law as being consistent with the objective and requirements of this resolution

**Section 2.** That the Amended and Restated Petition as executed and delivered as provided in Section 1 hereof is approved.

**Section 3.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meeting open to the public in compliance with the law.

**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.

Passed December 2, 2013.

Effective December 3, 2013.

**Ord. No. 1552-13.**  
**By Council Members Cimperman, Brancatelli, Cleveland and Kelley (by departmental request).**

**An emergency ordinance approving the addition of certain property to the Northeast Ohio Advanced Energy District; accepting a petition from owners of property in the District; approving a plan identifying a special energy improvement project; declaring it necessary to conduct the special energy improvement project; providing for the assessment of the cost and expense of such special energy improvement project; and authorizing the Director of Economic Development to enter into a Cooperative Agreement to implement the project; and declaring an emergency.**

Whereas, this Council adopted Resolution 1078-10 and passed Ordinance No. 1551-13, adopting a Petition and authorizing the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District (the "District") through the adoption of a petition designating a parcel within the City for the implementation of an eligible special improvement project (the "Petition"); and

Whereas, the District is a special improvement district formed under Chapter 1710 of the Ohio Revised Code ("the Revised Code") and is authorized to levy assessments to pay costs for developing and implementing plans for public improvements and public services that benefit the special improvement district, including special energy improvement projects as defined within Chapter 1710 of the Revised Code; and

Whereas, Chapter 1710 of the Revised Code authorizes the District to levy an assessment in support of a special energy improvement project including a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, defined as including energy efficiency technologies, products, and activities that reduce and support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy; and

Whereas, Chapter 1710 of the Revised Code authorizes property owners to petition the District to add their property to the District and request the imposition of a special assessment on their property to support a special energy improvement project; and

Whereas, Playhouse Square Foundation is the Sole Member of PS 1317, LLC, the Managing Member of Playhouse Square 1317, LLC, which is the owner of PPN 103-01-035; and

Whereas, Playhouse Square Foundation is the General Partner of One Playhouse Square Investors, Ltd., which is the owner of PPN 103-01-033; and

Whereas, Playhouse Square Holding Company, LLC is the Managing Member of PSC Hanna Building LLC, which is the owner of PPN 103-01-021; and

Whereas, Playhouse Square Holding Company, LLC is the Managing Member of PSC Bulkley Building LLC, which is the owner of PPN 103-01-032; and

Whereas, the entities referenced in the four preceding clauses are collectively referred to as "Owners" and the parcels referenced in the four preceding clauses are collectively referred to as "Property"; and

Whereas, the Owners of the Property, which constitutes one hundred percent of the property proposed to be added to the District, has proposed to conduct a special energy improvement project and has submitted a Petition (the "Playhouse Square Petition") to the District requesting that the Property be added to the District and that a Special Assessment be placed upon the Property to secure a loan provided by the State of Ohio Development Services Agency to partially fund the special energy improvement project further described in the plans and specifications (the "Playhouse Square Plan") attached to the Playhouse Square Petition; and

Whereas, the Owners have provided within the Playhouse Square Petition a certificate consenting to the inclusion of the property in multiple special assessment districts in accordance with Section 1710.02 of the Revised Code; and

Whereas, the District has reviewed and approved the Playhouse Square Petition and the Playhouse Square Plan and submitted it to the City and this Council in accordance with 1710.06(B) of the Revised Code; and

Whereas, the State of Ohio, Department of Energy, has reviewed the Playhouse Square Plan and determined that the proposed special energy improvement project described in the Playhouse Square Plan is projected to achieve a 31.7% energy use reduction, resulting in the reduction of 10,027 metric tons of carbon dioxide; and whereas

Whereas, under the Section 1710.06(B) of the Revised Code, the Petition and Plan are to be approved or disapproved by ordinance of the Council within sixty days of filing of the Petition with the City; and

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

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

**Section 1.** That the Playhouse Square Petition and the Playhouse Square Plan referred to in the preambles of this ordinance and on file in File No. 1552-13-A are approved.

**Section 2.** That under Chapter 1710 of the Revised Code and the Petition, the Council consent to the addition of the Property to the District.

**Section 3.** That the Plan submitted as part of the Petition placed in the above-mentioned file is approved.

**Section 4.** That it is determined and declared necessary and conducive to the public health, convenience, and welfare of the City to conduct the special energy improvements as defined in the Plan for a fifteen-year period commencing after passage of the ordinance to proceed in this manner.

**Section 5.** That it is determined that the Property will be specifically benefited by the above described special energy improvements and shall be assessed to pay for the costs of the special energy improvements, calculated based on a Cooperative Agreement between the City, Cuyahoga

County, the State of Ohio, the District, and the Owner.

**Section 6.** That the Plan placed in the above-mentioned file is approved at an estimated cost of \$603,715 per year and at an estimated total cost up to \$8,452,010.

**Section 7.** That the entire cost of the Plan in the District be specially assessed as defined in the above-mentioned Cooperative Agreement. The cost of the Plan shall include the cost of printing, serving, and publishing notices, resolutions, and ordinances, the costs incurred in connection with the preparation, levy, and collection of the special assessments, expenses of legal services, the cost of all labor and materials and all other necessary expenditures allowed by law.

**Section 8.** That the assessments to be levied shall be paid when levied as described in the above-mentioned Cooperative Agreement. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Fiscal Officer on or before September 1 of each year to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

**Section 9.** That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the special assessments.

**Section 10.** That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be based on the estimated cost of the Plan which is now on file in the Office of the Clerk of Council. When the estimated special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this Resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

**Section 11.** That the Director of Economic Development is authorized, on the behalf of the City, to negotiate and enter into a Cooperative Agreement, and any other documents required to effectuate the assistance authorized by the ordinance, with the State of Ohio, Cuyahoga County, the District, the Owners and/or Playhouse Square Foundation, or its designee, to provide for the calculation, imposition, and payment of the Special Assessment.

**Section 12.** That any such agreements shall be prepared by the Director of Law.

**Section 13.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing, and servicing of the special assessment. The fees shall be deposited to and expended from 17 SF 305, Loan Fees Fund.

**Section 14.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meeting

open to the public in compliance with the law.

**Section 15.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed December 2, 2013.

Effective December 3, 2013.

**Ord. No. 1553-13.**

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

**An emergency ordinance approving the addition of certain property to the Northeast Ohio Advanced Energy District; accepting a petition from owners of property in the District; approving a plan identifying a special energy improvement project; declaring it necessary to conduct the special energy improvement project; providing for the assessment of the cost and expense of such special energy improvement project; and authorizing the Director of Economic Development to enter into a Cooperative Agreement to implement the project; and declaring an emergency.**

Whereas, this Council adopted Resolution 1078-10 and passed Ordinance No. 1551-13, adopting a Petition and authorizing the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District (the "District") through the adoption of a petition designating a parcel within the City for the implementation of an eligible special improvement project (the "Petition"); and

Whereas, the District is a special improvement district formed under Chapter 1710 of the Ohio Revised Code ("the Revised Code") and is authorized to levy assessment to pay costs for developing and implementing plans for public improvements and public services that benefit the special improvement district, including special energy improvement projects as defined within Chapter 1710 of the Revised Code; and

Whereas, Chapter 1710 of the Revised Code authorizes the District to levy an assessment in support of a special energy improvement project including a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, defined as including energy efficiency technologies, products, and activities that reduce and support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy; and

Whereas, Chapter 1710 of the Revised Code authorizes property owners to petition the District to add their property to the District and request the imposition of a special assessment on their property to support a special energy improvement project; and

Whereas, Optima 777 LLC is the owner of Permanent Parcel No. 101-04-009 (the "Property"), which constitutes one hundred percent of the

property proposed to be added to the District, and has proposed to conduct a special energy improvement project and has submitted a Petition (the "Optima Petition") to the District requesting that the Property be added to the District and that a Special Assessment be placed upon the Property to secure a loan provided by the State of Ohio Development Services Agency to partially fund the special energy improvement project further described in the plans and specifications (the "Optima Plan") attached to the Optima Petition; and

Whereas, Optima 777 LLC has provided within the Optima Petition a certificate consenting to the inclusion of the property in multiple special assessment districts in accordance with Section 1710.02 of the Revised Code; and

Whereas, the District has reviewed and approved the Optima Petition and the Optima Plan and submitted it to the City and this Council in accordance with 1710.06(B) of the Revised Code; and

Whereas, the State of Ohio, Department of Energy, has reviewed the Optima Plan and determined that the proposed special energy improvement project described in the Optima Plan is estimated to achieve a 45% energy use reduction, resulting in the reduction of 2,388 metric tons of carbon dioxide; and

Whereas, under the Section 1710.06(B) of the Revised Code, the Petition and Plan are to be approved or disapproved by ordinance of the Council within sixty days of filing of the Petition with the City; and

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

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

**Section 1.** That the Optima Petition and the Optima Plan referred to in the preambles of this ordinance and on file in File No. 1551-13-A are approved.

**Section 2.** That under Chapter 1710 of the Revised Code and the Petition, the Council consent to the addition of the Property to the District.

**Section 3.** That the Plan submitted as part of the Petition placed in the above-mentioned file is approved.

**Section 4.** That it is determined and declared necessary and conducive to the public health, convenience, and welfare of the City to conduct the special energy improvements as defined in the Plan for a fifteen-year period commencing after passage of the ordinance to proceed in this manner.

**Section 5.** That it is determined that the Property will be specifically benefited by the above described special energy improvements and shall be assessed to pay for the costs of the special energy improvements, calculated based on a Cooperative Agreement between the City, Cuyahoga County, the State of Ohio, the District, and the Owner.

**Section 6.** That the Plan placed in the above-mentioned file is approved at an estimated cost of \$496,100 per year and at an estimated total cost of \$6,945,400.

**Section 7.** That the entire cost of the Plan in the District be specially assessed as defined in the above-mentioned Cooperative Agreement. The cost of the Plan shall include the cost

of printing, serving, and publishing notices, resolutions, and ordinances, the costs incurred in connection with the preparation, levy, and collection of the special assessments, expenses of legal services, the cost of all labor and materials and all other necessary expenditures allowed by law.

**Section 8.** That the assessments to be levied shall be paid when levied as described in the above-mentioned Cooperative Agreement. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Fiscal Officer on or before September 1 of each year to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

**Section 9.** That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the special assessments.

**Section 10.** That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be based on the estimated cost of the Plan which is now on file in the Office of the Clerk of Council. When the estimated special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this Resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

**Section 11.** That the Director of Economic Development is authorized, on the behalf of the City, to negotiate and enter into a Cooperative Agreement, and any other documents required to effectuate the assistance authorized by the ordinance, with the State of Ohio, Cuyahoga County, the District, and/or Optima 777 LLC to provide for the calculation, imposition, and payment of the Special Assessment.

**Section 12.** That any such agreements shall be prepared by the Director of Law.

**Section 13.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing, and servicing of the special assessment. The fees shall be deposited to and expended from 17 SF 305, Loan Fees Fund.

**Section 14.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meeting open to the public in compliance with the law.

**Section 15.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed December 2, 2013.

Effective December 3, 2013.

**Ord. No. 1597-13.**

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

**An emergency ordinance authorizing the Directors of Community Development and Economic Development to enter into amendments to two existing loans with Ohio City Incorporated and to authorize the assignment and assumption of the loans by Neighborhood Housing Services of Greater Cleveland, Inc. to provide affordable housing and to renovate the West 45th Street Apartments located at 1788 - 1790 West 45th Street; to change the terms of the loans; and to enter into or modify any related documents and supporting instruments.**

Whereas, the City, through the Department of Economic Development, and Cleveland Multifamily Limited Partnership I (CMFLP1), an Ohio limited partnership, entered into a Neighborhood Development Impact Grant Loan Agreement in 1989, under which CMFLP1 received a loan from the City in the principal amount of \$20,000.00 (the "E.D. Loan") for renovation of an apartment building located at 1788-90 W. 45th Street, Cleveland, Ohio 44102 (the "Property") and CMFLP1 executed a Promissory Note dated May 10, 1989 (the "E.D. Note"); and

Whereas, City, CMFLP1, and Ohio City Near West Development Corporation, now known as Ohio City Incorporated, entered into an Assignment of Leases and Assumption of Mortgage, Notes, and Leases (the "First E.D. Assignment and Assumption") dated March 25, 2004 and recorded April 2, 2004 in Cuyahoga County Recorder records as AFN 200404020396 under which the City approved the assignment and assumption of the Loan and the Note by Ohio City Near West Development Corporation and released CMFLP1 in exchange for a mortgage on the Property in favor of the City secured by the E.D. Note. The Open-End Mortgage was signed March 25, 2004 by Ohio City Near West Development Corporation and recorded April 2, 2004 in Cuyahoga County Recorder's records as AFN 200404020397 ("E.D. Mortgage"); and

Whereas, the E.D. Loan, the E.D. Note, the First E.D. Assignment and Assumption, and the E.D. Mortgage together will be referred to as the E.D. Loan Documents; and

Whereas, Near West Housing Corporation, now known as Ohio City Incorporated, received a loan in the principal amount of \$37,000 (the "C.D. Loan") for the exclusive purpose of rehabilitating, preserving, and/or enhancing the Property and Near West Housing Corporation executed a Promissory Note in favor of the City, Department of Community Development, dated August 29, 1988 (the "C.D. Note"); and

Whereas, Near West Housing Corporation loaned the C.D. Loan funds to CMFLP1, and CMFLP1 provided a mortgage to Near West Housing Corporation in the amount of the C.D. Loan. The mortgage was signed August 29, 1988 and recorded August 30, 1988 in Volume 88-4473, Page 23 of the Cuyahoga County Recorder's records (the "C.D. Mortgage"). The C.D. Mortgage was immediately assigned to the City as security for the C.D. Loan; and

Whereas, City, CMFLPI, and Ohio City Near West Development Corporation (fka Near West Housing Corporation) entered into an Assignment of Leases and Assumption of Mortgage, Notes, and Leases (the "First C.D. Assignment and Assumption") dated March 25, 2004 and recorded April 2, 2004 in Cuyahoga County Recorder records as AFN 200404020396 under which the City approved the acquisition of the Property by Ohio City Near West Development Corporation; and

Whereas, the C.D. Loan, the C.D. Note, the First C.D. Assignment and Assumption, and the C.D. Mortgage together will be referred to as the C.D. Loan Documents; and

Whereas, Ohio City Incorporated wishes to transfer title to the Property to Neighborhood Housing Services of Greater Cleveland, Inc. ("NHS"), and to allow NHS to assume the E.D. Loan Documents and the C.D. Loan Documents (jointly, the "Loan Documents"); and

Whereas, City and NHS wish to allow the title transfer of the Property to NHS and the assignment and assumption of the Loan Documents subject to modifying certain terms of the Loan Documents including, but not limited to, extending the maturity dates, extending the affordability periods, and authorizing loan forgiveness at the end of the loan terms; and

Whereas, the City and this Council wish to allow the modifications; and

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

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

**Section 1.** That the Director of Community Development is authorized to amend the C.D. Loan Documents. The amendment will allow Ohio City Incorporated to assign and for NHS to assume the C.D. Loan Documents related to the Property as modified. The Director of Community Development is, among other things, authorized to extend the C.D. Loan term, to forgive any interest accrued and defer payments due under the C.D. Loan Documents, to reduce the interest percentage to 0%, to increase the affordability period to 40 years and modify the terms thereof, and to forgive all principal and/or interest due under the C.D. Loan Documents after the 40-year affordability period has expired so long as NHS does not default under the terms of the C.D. Loan Documents as modified.

**Section 2.** That the Director of Economic Development is authorized to amend the E.D. Loan Documents. The amendment will allow Ohio City Incorporated to assign and for NHS to assume the E.D. Loan Documents related to the Property as modified. The Director of Economic Development is, among other things, authorized to extend the E.D. Loan term, to forgive any interest accrued and defer payments due under the E.D. Loan Documents, to reduce the interest percentage to 0%, to increase the affordability period to 40 years and modify the terms thereof, and to forgive all principal and/or interest due under the E.D. Loan Documents after the 40-year affordability period has expired so long as NHS does not default under the terms of the E.D. Loan Documents as modified.

**Section 3.** That the Directors of Community Development and Eco-

nomics Development are authorized to enter into, or modify, any related documents and supporting instruments necessary to implement this ordinance.

**Section 4.** That the amendments, related documents, and supporting instruments shall be prepared by the Director of Law.

**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.

Passed December 2, 2013.

Effective December 3, 2013.

#### **Ord. No. 1641-13.**

**By Council Member Sweeney.**

**An emergency ordinance to amend Section 157.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 233-50, passed February 6, 1950, relating to establishment of the Community Relations Board.**

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 157.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 233-50, passed February 6, 1950, is hereby amended to read as follows:

#### **Section 157.01 Establishment and Terms**

There is hereby established in the office of the Mayor a board known as the Community Relations Board, consisting of the Mayor, as chairman ex-officio, one (1) member of Council chosen by Council for a term of two (2) years, one (1) person chosen by the President of Council for a term of two (2) years, and fourteen (14) persons broadly representative of the social, economic and cultural interests of the community, appointed by the Mayor, with the approval of Council, for four (4) year terms. However, of the original appointment three (3) shall be appointed for one (1) year terms, three (3) shall be appointed for two (2) year terms, three (3) shall be appointed for three (3) year terms and five (5) shall be appointed for four (4) years terms; provided further that not less than five (5) shall represent organized industry, not less than three (3) shall represent organized labor and not less than five (5) shall be public members. A member of the Board may be removed for cause by the Mayor but only after opportunity has been afforded for a public hearing before the Mayor within ten (10) days after written charges have been given such member by the Mayor and a copy filed with the Clerk of Council. Such member shall be heard in person or by counsel. Action of the Mayor shall be final unless not later than the second meeting of Council after the Mayor's action, Council disapproves the removal by the affirmative vote of two-thirds (2/3) of the members elected to Council.

**Section 2.** That existing Section 157.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 233-50, passed February 6, 1950 is hereby repealed.

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

Passed December 2, 2013.

Effective December 3, 2013.

#### **Ord. No. 1642-13.**

**By Council Member Reed.**

**An emergency ordinance authorizing the Director of the City Planning Commission to enter into an agreement with the Project Group for the Kinsman Road and East 131st Street Redevelopment Plan Project through the use of Ward 2 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the City Planning Commission is authorized to enter into agreement with the Project Group for the Kinsman Road and East 131st Street Redevelopment Plan Project for the public purpose of improving residential and commercial development in the city of Cleveland through the use of Ward 2 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed December 2, 2013.

Effective December 3, 2013.

#### **Ord. No. 1643-13.**

**By Council Member Brady.**

**An emergency ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with The Friends of the Historic Variety Theater for the restoration of the Variety Theater through the use of Ward 17 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 Economic Development be authorized to enter into an agreement with The Friends of the Variety Theater for the restoration of the Variety Theater involving electrical upgrades to this building for the public purpose of restoring an historical building in the city of Cleveland through the use of Ward 17 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$32,000 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.

Passed December 2, 2013.  
Effective December 3, 2013.

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**Ord. No. 1644-13.**  
**By Council Member Sweeney.**  
**An emergency ordinance to amend Sections 173.13, 173.14, 173.21, and 173.67 of the Codified Ordinances of**

**Cleveland, Ohio, 1976, as amended by Ordinance No. 2040-99, passed October 30, 2000, relating to compensation for members of various City boards and commissions.**

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

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

**Section 1.** That Sections 173.13, 173.14, 173.21, and 173.67 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2040-99, passed October 30, 2000 are amended to read as follows:

**Section 173.13 Landmarks Commission**

The salaries of the members of the Landmarks Commission shall be seven thousand two hundred dollars (\$7,200.00) per annum, except that the member designated by the Mayor as Chairman shall receive additional compensation of five hundred and seventy-five dollars (\$575.00) per annum.

**Section 173.14 Community Relations Board**

The salaries of the members of the Community Relations Board shall be seven thousand two hundred dollars (\$7,200.00) per annum, except that the member designated by the Mayor as Chairman shall receive additional compensation of five hundred and seventy-five dollars (\$575.00) per annum.

**Section 173.21 Police Review Board**

The salaries of the members of the Police Review Board shall be seven thousand two hundred dollars (\$7,200.00) per annum, except that the member designated by the Mayor as Chairman shall receive additional compensation of five hundred and seventy-five dollars (\$575.00) per annum.

**Section 173.67 Fair Housing Board**

The salaries of the members of the Fair Housing Board shall be seven thousand two hundred dollars (\$7,200.00) per annum, except that the member designated as Chairman shall receive additional compensation of five hundred and seventy-five dollars (\$575.00) per annum.

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

Passed December 2, 2013.  
Effective December 3, 2013.

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NO MEETINGS

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 Neighborhood Housing Services of Greater Cleveland, Inc. — amend contracts — West 45th  
 Street Apartments (Ward 15) (O 1597-13) ..... **2024**  
 Ontario St., 1219 — acquire and reconvey — Cuyahoga County — chain of — title — TIF —  
 Hilton Hotel (O 1518-13) ..... **2020**  
 Variety Theater (restoration) -The Friends of the Historic Variety Theater — agreement  
 (Ward 17 NCF) (O 1643-13)..... **2025**

**Fair Housing Review Board**

Compensation for members of various City boards and commissions — amend Sections 173.13,  
 173.14, 173.21 and 173.67 (O 1644-13)..... **2026**

**Finance Department**

Cuyahoga County Port Authority — cooperative agreement — Cuyahoga County — TIF —  
 Hilton Hotel (O 1519-13) ..... **2020**

**Grants**

Community Diversion Program, 2014 — Juvenile Court — Community Relation —  
 Cuyahoga County (O 1544-13) ..... **2021**  
 Juvenile Accountability Block Grant Program, 2013 — Community Relations —  
 Cuyahoga County (O 1547-13) ..... **2021**

**Landmark Commission**

Compensation for members of various City boards and commissions — amend Sections 173.13,  
 173.14, 173.21 and 173.67 (O 1644-13) ..... **2026**

**Liquor Permits**

East 131st St., 4096 — objection to transfer of Liquor License (Ward 02) (R 1646-13) ..... **2019**  
 Franklin Blvd., 2831 — objection to issuance (Ward 03) (R 1647-13) ..... **2020**  
 Superior Ave., 3604 (1st fl & bsmt.) — objection to transfer of ownership (Ward 08)  
 (R 1645-13) ..... **2019**

**Loans**

Neighborhood Housing Services of Greater Cleveland, Inc. — amend contracts — West 45th  
 Street Apartments (Ward 15) (O 1597-13) ..... **2024**

**Police Review Board**

Compensation for members of various City boards and commissions — amend Sections 173.13,  
 173.14, 173.21 and 173.67 (O 1644-13) ..... **2026**

**Purchases And Supplies Division**

Ontario St., 1219 — acquire and reconvey — Cuyahoga County — chain of — title — TIF —  
 Hilton Hotel (O 1518-13) ..... **2020**

**Resolution Of Support**

Support comprehensive immigration reform (R 1640-13) ..... **2018**

**Resolutions — Miscellaneous**

Support comprehensive immigration reform (R 1640-13) ..... **2018**

**Ward 02**

East 131st St., 4096 — objection to transfer of Liquor License — liquor permit (R 1646-13) ..... **2019**  
 Kinsman Road and East 131st Street Redevelopment Plan Project — agreement —  
 Project Group — City Planning Commission (Ward 02 CRF) (O 1642-13) ..... **2025**

**Ward 03**

Franklin Blvd., 2831 — objection to issuance — liquor permit (R 1647-13) ..... **2020**  
 Ontario St., 1219 — acquire and reconvey — Cuyahoga County — chain of — title — TIF —  
 Hilton Hotel (O 1518-13) ..... **2020**

**Ward 08**

Superior Ave., 3604 (1st Fl & Bsmt.) — objection to transfer of ownership — liquor permit  
 (R 1645-13) ..... **2019**

**Ward 15**

Neighborhood Housing Services of Greater Cleveland, Inc. — amend contracts — West 45th  
 Street Apartments (O 1597-13) ..... **2024**

**Ward 17**

Support comprehensive immigration reform (R 1640-13) ..... **2018**  
 Variety Theater (restoration) -The Friends of the Historic Variety Theater — agreement —  
 Economic Development (Ward 17 NCF) (O 1643-13) ..... **2025**