

The City Record

Official Publication of the Council of the City of Cleveland



July the Eleventh, Two Thousand and Twelve

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840
First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary
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 – Jonmarie Wasik, Director

DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager
Engineering and Construction – _____, Manager
Real Estate – _____, Commissioner

DEPT. OF LAW – Barbara A. Langhenry, Interim Director, _____, Chief Counsel,
Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – 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 – Leigh Stevens, Commissioner
Property Management – Tom Nagle, Commissioner
Recreation – Kim Johnson, Commissioner
Streets – _____, Commissioner
Traffic Engineering – Robert Mavec, Commissioner
Waste Collection and Disposal – Ron Owens, Commissioner

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

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WEDNESDAY, JULY 11, 2012

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CITY COUNCIL

MONDAY, JULY 9, 2012

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

Sustainability Sub-Committee: Zone, Chair; Westbrook, Vice Chair; Cummins, J. Johnson, Mitchell.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

The following legislation will be introduced at the meeting of Council on Wednesday, July 11, 2012.

Ord. No. 952-12.

By Council Member Kelley.

An ordinance to amend Sections 1 and 2 of Ordinance No. 550-12, passed April 30, 2012, regarding the amendment and extension of the franchise with Cleveland Thermal, LLC for the transmission and supply of steam and water for heating, cooling and power purposes.

Whereas, the Charter of the City of Cleveland authorizes this Council by ordinance to grant a non-exclusive franchise to any person, firm or corporation to construct, install, maintain and operate a utility in, under, over, along, across and upon any of the streets and public grounds of the City of Cleveland; and

Whereas, on April 30, 2012, this Council passed Ordinance No. 550-12 which authorized the amendment and extension of the franchise to Cleveland Thermal, LLC for the transmission and supply of steam and water for heating, cooling and power purposes; and

Whereas, it was the intention of this Council and Cleveland Thermal, LLC, to extend the franchise for the maximum period of 25 years allowed by law, but the final date of the fran-

chise permitted by law was not known until final passage and approval of Ordinance No. 550-12; and

Whereas, it is necessary and in the best interests of the City to amend Ordinance No. 550-12 by correcting the date through which the franchise was granted; now, therefore

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

Section 1. That Section 1 of Ordinance No. 550-12, passed April 30, 2012, is amended to read as follows:

Section 1. That under Chapter 35 of the Charter of the City of Cleveland and Section 1 of the franchise granted by Ordinance No. 1519-04, passed October 25, 2004 (the "Franchise Ordinance"), this Council approves the extension of the franchise agreement to **June 1, 2037**, and the amendments thereto regarding certain administrative matters as set forth therein.

Section 2. That existing Section 1 of Ordinance No. 550-12, passed April 30, 2012, is repealed.

Section 3. That Section 2 of Ordinance No. 550-12, passed April 30, 2012, is amended to read as follows:

Section 2. That the franchise agreement granted to Cleveland Thermal Holdings, LLC, as successor to CT Acquisitions I Inc., by the Franchise Ordinance described in Section 1 is amended, and the entirety of the franchise agreement as contained in the Franchise Ordinance as amended by this ordinance is as follows:

Section 1. Grant of Franchise.

Under the Charter of the City of Cleveland ("City"), and subject to the terms and conditions set forth in this franchise, Cleveland Thermal, LLC ("Grantee"), is granted a non-exclusive franchise, until **June 1, 2037**, unless sooner terminated as provide in this franchise, to construct, install, maintain and operate a system for the transmission and distribution of steam and water for heating, cooling and power purposes (the "Steam System") in the area of the City identified in the map contained in File No. 1519-04-A and incorporated by reference and as expanded or extended within the boundaries of the City (the "Service Area") in, under, over, along, across and upon the streets and public grounds (including, but not limited to, the streets, lanes, alleys, avenues, easements and other public thoroughfares and public rights of way of the City in the Service Area) in that Service Area, with the full and necessary privileges for the use of the streets and public grounds in the Service Area for the purpose of digging a trench or trenches, and constructing, installing, maintaining and operating pipes and conduits for steam and water lines, together with the right to maintain such pipes and conduits, for the purpose of transmitting steam and water for heating,

cooling and power purposes ("Steam Service"), and to construct, install and maintain all necessary insulators, valves, safety appliances, connections, manholes and other appurtenances necessary or appropriate to the operation of the Steam System. The Steam System of Grantee extends from and includes the existing and future steam generation and heating or cooling water plants of Grantee and the existing and future transmission and distribution system extending to the property line of each Customer (as such term is defined in Section 5A hereof), except where otherwise defined by agreement between Grantee and a particular Customer; provided, however, that nothing herein shall be construed to require Grantee to maintain existing steam generation and heating or cooling water plants so long as Grantee can provide sufficient capacity, through leases, power purchase agreements or other means, to meet Customers' reasonably anticipated requirements. The grant of this franchise does not establish priority or lack of priority for use of the streets and public grounds to Grantee over other present or future permit holders or franchisees, or over the City's own use. Any extension or expansion of the Steam System shall be subject to all of the obligations and reserved rights in favor of the City set forth in this franchise, and shall be subject to all of the conditions of this franchise. The products and services to be provided or performed by the Grantee hereunder may be provided or performed by the Grantee, acting itself, or through an affiliate of Grantee, and the term "Grantee" includes the Grantee and any affiliate as the context permits. As used herein, an "affiliate" of Grantee means Cleveland Thermal Generation, LLC, Cleveland Thermal Steam Distribution, LLC, Cleveland Thermal Chilled Water Distribution, LLC or any other person or entity directly or indirectly controlling, controlled by or under common control with another person or entity.

Section 1A. Payments.

Grantee shall, by January 30 of each calendar year, make the following annual payments, which shall be deposited in the City's general fund and expended through legislation passed by City Council for the purpose of paying the cost of the City's connection costs to the Steam System, or if not needed for such purpose in any year, as otherwise directed by Council:

2011-2015	\$125,000 per year
2016-2037	\$150,000 per year

If requested by the Director of Public Utilities, in lieu of payment of annual payments in any year, Grantee shall perform all labor and incur all costs necessary to connect any City facilities to the Steam System, up to the amount of the annual fee in any one calendar year.

Grantee shall discount the City of Cleveland's steam and chilled water bill monthly according to the following schedule, with a maximum discount to the City by Grantee of \$75,000 per year:

2011-2015	3% credit
2016-2037	4% credit

Section 2. Work on the Streets and Public Grounds.

The Grantee, in the construction, installation, maintenance or operation of the Steam System, shall not endanger or unnecessarily interfere with the lives of persons, shall not unnecessarily interfere with any installations of the City or any public utility or other person serving the City or using the streets and public grounds of the City, and shall not unnecessarily interrupt or obstruct the use of any streets and public grounds and, in connection with any work, shall obtain any permits and approvals required by the regulations and ordinances of the City. Prior to performing any work which would affect or alter the City's water mains, sewage or draining system or any other property of the City, Grantee shall provide written notice to the appropriate affected City agency or office. When any streets and public grounds are entered upon by the Grantee, or facilities removed by the Grantee, the Grantee shall at its cost restore the same to their original condition. Grantee shall clear all streets and public grounds of obstructions or anything that might constitute a nuisance or prevent such streets and public grounds from being open and in repair, if such obstruction or nuisance was caused by the Grantee or related to the operation of the Steam System. If the Grantee fails to complete such work within a reasonable period of time, the appropriate officer of the City may, in writing, notify the Grantee that the City will complete such work if not completed by the Grantee as soon as practicable as determined by the City after receipt of notice by Grantee. Any work not completed as determined by the City's officer may be completed by the City and the actual out-of-pocket cost of such work shall be charged to the Grantee. Upon the doing of such work, the City shall furnish the Grantee with itemized bills of the actual out-of-pocket cost of the work, and Grantee shall pay the bills within thirty (30) days after its receipt.

Section 3. Applicable Regulations.

The Grantee shall at all times be subject to the regulations imposed by the laws of the United States of America, the laws of the State of Ohio and the Charter and ordinances of the City as may exist at the effective date of this franchise or later be adopted, including the continuing right of the Council to require such reconstruction, relocation, repair, change or discontinuance of the appliances used by the Steam System in the streets and public grounds of the Service Area, all at the cost of the Grantee, as shall, in the opinion of the Council, be necessary in the public interest. The Council shall at all times control the distribution of space in, under, over, along, across or upon all streets and public grounds occupied by fixtures of the Steam System. In the construction, installation, maintenance or repair of its properties, the Grantee shall comply with all laws and regulations existing at the effective date of this franchise or that may thereafter be made by the City applicable to the Grantee and the Grantee shall be liable for damages caused by its failure or neglect to comply with such laws and regulations and shall save the City harmless from any and all claims for damages by reason of such failure or neglect.

Section 4. Indemnification and Insurance.

The Grantee shall fully indemnify and save harmless the City and its respective officers, agents and employees from and against all damages, judgments, decrees, costs and expenses for bodily injury or death to persons, including employees of the City and other persons, for losses and physical damages to property of the City or other persons, and for debts incurred or taxes owed by Grantee or its agents, employees or contractors, caused by or as a result of the construction, installation, maintenance and operation of, or the failure to properly construct, install, maintain and operate, the Steam System by the Grantee. The Grantee shall carry insurance to cover and protect itself and the City as an additional insured from and against all claims, demands, actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of loss, injury or damage to the City, its property or employees, or to other persons or their property, which may arise from the operations of Grantee or its Steam System. Grantee's insurance company shall, at its own expense, defend the City, if requested by the City, in all litigation or claims alleged to result from or arise out of such activities or failure to act of Grantee. The City shall duly notify the insurance company of any claims and shall deal directly with such insurance carrier to seek defense by such insurance carrier to seek defense by such insurance company; provided, however, the City shall not be required to institute legal proceedings against such insurance company if the insurance company fails to defend. In the event Grantee's insurance company fails to defend the City, then Grantee, at its own expense, shall defend the City, if requested by the City, in all litigation or claims alleged to result from or arise out of such activities or failure to act of Grantee. Copies of the Grantee's currently effective insurance policy and its currently effective certificate of insurance showing the City as an additional insured shall be maintained on file with the Clerk of Council of the City in the above mentioned file, with a copy provided to the Director of Law of the City, beginning with the effective date of the franchise extension. The amounts of such insurance against, liability due to physical damages to property shall not be less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate; and against liability due to bodily injury or to death of persons not less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate. Grantee shall not reduce, cancel or fail to promptly replace the insurance described herein, and should the insurer cancel such insurance, the Grantee shall immediately notify the City. The City shall notify the Grantee and its insurance carrier in writing, within fifteen (15) business days after the presentation of any claim or demand, either by suit or otherwise, made against the City, and not less than five (5) business days prior to the date upon which an answer to such legal action is due, when the City determined that the suit, claim or demand may involve the Grantee or the operation of the Steam System.

Section 5. Operation, Service and Rates of the Steam System.

A. Service Connections and Delivery of Steam Service. Grantee shall, so far as the capacity of its plant will allow or to the extent of its capacity obtained from alternate sources as permitted pursuant to Section 1 hereof, deliver live steam or water to any person or entity requesting Steam Service who complies with its reasonable regulations and whose property either abuts upon Grantee's service lines or can be legally and reasonably be connected to the Steam System ("Customer"). At the point of delivery, the steam will be dry and saturated in accordance with the steam table established by American Society of Mechanical Engineers ("ASME"). The Grantee shall be responsible to maintain, at its expense, all mains and lines up to the property line of the Customer's facility, except where otherwise set forth in an agreement between Grantee and a particular Customer, and shall keep such lines in sound operating condition and free of undue leakage.

B. Abandonment of Services. In the event Grantee makes an application to the Public Utilities Commission of Ohio ("PUCO"), to abandon service to any part or all of its Service Area, Grantee shall send a copy of any such application to each of its then existing Customers.

C. Existing Rates. All valid contracts or agreements establishing rates, charges or billing arrangements between Customers and Grantee (including, but not limited to, agreements combining billings for one or more premises owned or operated by a Customer) in effect as of the effective date of this ordinance, shall remain in effect until the expiration of the contract or agreement as set forth in such contract or agreement (or as may have been extended by PUCO order), except as may be allowed or required by any Court or arbitration panel, or as agreed by Customer and Grantee. All tariff and contract rates for Steam Service in effect as of the effective date of this ordinance shall, except for fuel adjustment clause increases and authorized by the PUCO or in accordance with Ohio law, remain in effect through the term of the franchise.

D. Rates and Charges. If the Grantee and any Customer cannot agree on a contract which sets rates for Steam Service to that Customer, the rates and charges for Steam Service rendered by Grantee for such Customer or Customers shall be set by the PUCO, by Council, or as otherwise may be provided by law. During the term of this franchise, Grantee shall, upon the request of the City or Council, provide such data and information as the City reasonably requires to review the rates, charges, terms and conditions of Steam Service provided by Grantee. Nothing contained in the subparagraph shall be deemed a waiver of the Grantee to appeal to or seek review of PUCO in connection with any rates.

E. Contract Rates. Grantee may enter into contracts for the provision of Steam Service to one or more of its Customers provided that the contracts are entered into under the requirements of the Revised Code or filed with the PUCO under the terms of Section 4905.31 of the Revised Code and provided that copies of all contracts for Steam Service are provided

to the Clerk of Council of the City to be maintained in the Council file mentioned above, with copies provided to the Director of Law of the City.

F. Quality of Service. The Grantee shall at all times provide safe, adequate and reliable service to its Customers and shall, except as may otherwise be permitted by law, provide same without discrimination. In so doing, Grantee shall maintain the Steam System in a manner to ensure such service and to ensure the efficient and safe operation of the Steam System. Grantee shall maintain the Steam System so as to avoid substantial leakage, and shall promptly repair material leaks in the Steam System. Grantee shall also promptly repair any pavement, tree lawn, curb or other portion of the street or public ground which is damaged by Grantee or due to defects in or leaks in or emanating from the Steam System. If there is any dispute between Grantee and a Customer as to whether the Grantee or Customer is responsible to repair damage in the streets or public grounds caused by Grantee or due to defects or leaks in the Steam System, Grantee shall promptly make any necessary repairs pending resolution of such dispute. The cost of such repairs may be part of any such resolution, and may be charged to the Customer if it is determined that the repairs were the responsibility of the Customer. The Grantee acknowledges its obligation to operate and maintain the Steam System so that it is not in such condition as to be a hazard to the health, safety or welfare of the public, and acknowledges the right of the City to reasonably require the Grantee to make necessary repairs or improvements to abate said condition. Grantee shall promptly comply with an order of the Director of the appropriate department of the City having custody and control of the particular property or the responsibility to ensure the health, safety or welfare of the public in the particular situation to make any such repairs or improvements.

Minority Business Enterprise and Female Business Enterprise Participation and Affirmative Action. Grantee shall use its best efforts to meet the goals of the City in effect on the effective date of this ordinance with respect to minority enterprise participation and female business enterprise participation, i.e., thirty percent (30%) and ten percent (10%), respectively, in Grantee's proposed construction of the improvement and expansion of the Steam System; provided, that in evaluating Grantee's efforts to meet such goals, the City shall give consideration to the availability of certain specialty items of equipment for the Steam System that are not readily available from minority and female vendors.

Grantee shall adhere to the standards set forth in division (a) of Section 187.04 of the Codified Ordinances of the City, as presently in effect with respect to nondiscrimination in employment, and shall use its best efforts to improve the percentage of minority and female employment in the various occupations involved in the performance of the Grantee's business. With respect to any construction of the improvement and expansion of the Steam System comprising real property, Grantee shall comply with the requirements of Chapter 188 of the Codified Ordinances of the City.

Section 6. Transfers and Assignments.

The franchise granted to the Grantee herein shall not be transferable either directly or indirectly except with the consent of Council, provided, however, that the grant of a mortgage on or security interest in or assignment of real or personal property comprising the Steam System, including but not limited to Grantee's right to receive payments from Customers (including the City) with respect to the Steam System, as collateral security for financing of obligations of Grantee, shall not constitute or be deemed to be a transfer for purposes of this Section 6; and provided, further that nothing in any such mortgage, security interest or assignment shall purport to transfer the franchise granted herein except with the consent of Council. Additionally, Grantee shall not, without consent of Council, either directly or indirectly, consolidate, merge or in any other way give or permit control of the management of its business to or by any other heating, cooling or power company now operating or that may in the future operate in the City, including any company which would by such action by Grantee first enter into the business of providing heating, cooling or power, nor shall Grantee assign or transfer so much of the assets of the Steam System so as to render Grantee unable to continue providing adequate service as required herein. Notwithstanding the provisions of this Section 6, the capital stock or all or substantially all of the assets and business of Grantee may, without the prior approval of Council, be (i) transferred to any corporation or other entity which is affiliated with Grantee or (ii) consolidated or merged with, or the control of Grantee's management may be transferred to, any corporation or other entity which is affiliated with Grantee. For purposes of this section, the term "affiliate" shall mean any person or entity directly or indirectly controlling, controlled by or under common control with another person or entity.

Section 7. Right of Purchase by the City.

Under Section 183 of the Charter of the City of Cleveland, there is reserved to the City the right to terminate this franchise and to purchase all of the property of the Grantee in the streets and highways in the City and elsewhere used in or useful for the operation of the utility at a price to be fixed in the manner provided in the following sentence. If the City and Grantee cannot agree on the price to be paid by the City for such property, the value shall be determined by three appraisers, one each selected by the City and Grantee, and the other selected by the two appraisers appointed. If the three appraisers cannot agree upon a value for such property, the average of the three separate appraisals of the appraisers shall be the value of such property. The standard to be used by the appraisers shall be the fair market value of such property as a going concern. Further, to the extent provided in Section 184 of the Charter of the City, the price to be paid by the City for the property that may be acquired by the City from the Grantee, by purchase, condemnation, or otherwise, shall exclude all additional value of the grant or renewal of this franchise.

Section 8. Renewal of Franchise.

Council may, by ordinance, renew the franchise at the expiration of this franchise upon terms conducive to the public interest.

Section 9. Non-Exclusivity of Franchise.

No rights herein granted to the Grantee to construct, maintain, install or operate the Steam System shall be construed as exclusive or as preventing the City from granting a franchise or privilege to any other person, firm or corporation.

Section 10. Permits.

The Director of Public Service and other appropriate City officials are hereby authorized to issue such permits to the Grantee and any of its construction contractors or subcontractors for construction, installation and operation of the Steam System as may be required by law without further action of the Council. Permits shall be issued upon Grantee's compliance with the applicable procedures for obtaining permits and in accordance with the requirements of law. Grantee shall comply with all existing City and State air pollution permits to operate which are applicable to the Steam System.

Section 11. PUCO.

Grantee shall provide to the City's Director of Law timely copies of all notices, filings, applications and all other documents submitted to the PUCO concerning or affecting the Steam System, including copies received by Grantee of any complaints or correspondence submitted to the PUCO concerning the Grantee or any affiliate or Steam System, but not including such documents which solely relate to any other Steam System. Grantee shall not object to or contest the right of the City to intervene in any proceeding initiated by Grantee, the PUCO or a third party concerning Grantee, any affiliate, or the Steam System.

Section 12. Notices and Reports.

Grantee shall provide notice to a designated representative of each Customer of any work by Grantee on the Steam System, or of any change in its operation, which could materially and adversely affect service to such Customer. Grantee shall also respond to any reasonable requests of a Customer for information, including available Steam System efficiency measurements and studies. In addition, Grantee shall provide a copy of an audited balance sheet and a schedule of major capital improvements annually, at the end of each full fiscal year, to the Clerk of Council, for filing in the Council file mentioned above and shall provide copies of such submittals to the Director of Law of the City.

Section 14. Revocation and Amendment.

The Council hereby reserves the right at any time to repeal for cause or to properly amend the ordinance granting this franchise or to revoke for cause the privileges granted in whole or in part.

Section 15. Default.

Grantee shall be in default of its franchise if Council finds, after providing notice and an opportunity to be heard, that Grantee has abandoned or discontinued Steam Service or has materially failed to comply with the terms of this franchise.

Upon Council determination of default by the Grantee, the City may, at its option, exercise, concurrently or

successively, any one or more of the following rights and remedies: to seek a court order to enjoin any abandonment or discontinuance of Steam Service or any failure to comply with the terms of this franchise; to bring suit or complaint at the PUCO or elsewhere for the performance of Grantee's obligation to provide Steam Service and to comply with the terms of this franchise; to terminate the franchise; or in the event of an actual or effective abandonment or discontinuance of Steam Service, to seek Court appointment of a receiver to continue operation of the Steam System until the Steam System can be sold or transferred to an entity approved by the City and Council. These rights and remedies are in addition to any other rights and remedies permitted to the City by the terms of this franchise or by law.

Section 4. That existing Section 2 of Ordinance No. 550-12, passed April 30, 2012, is repealed.

Section 5. That except as amended and corrected in this ordinance, Ordinance No. 550-12, passed April 30, 2012, shall remain in full force and effect.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

THE CALENDAR

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

NONE

BOARD OF CONTROL

July 5, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Thursday, July 5, 2012 at 10:38 a.m. with Acting Director Horvath presiding.

Present: Acting Director Horvath, Director Dumas, Acting Director R. Johnson, Director Smith, Acting Director Thompson, Directors Flask, Rush, Nichols, Fumich and Rybka.

Absent: Mayor Jackson, Directors Butler and Southerington.

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

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 291-12.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 734-12, passed by the Council of the City of Cleveland on June 4, 2012, Official Payments Corp. is selected from a list of firms determined after a full and complete canvass by the Director of Finance as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to install, design, train, implement, test, integrate, migrate, maintain, and provide technical support and other

related services, including any equipment, for a web-based payment system, including a vendor-hosted solution to process payments via on-line, an integrated voice recognition (IVR) solution, and point of sale (POS) solution, for the Division of Assessments and Licenses, Department of Finance.

Be it further resolved that the Director of Finance is authorized to enter into contract with Official Payments Corp., based on its proposal dated March 29, 2012, which contract shall be prepared by the Director of Law, and shall provide for the furnishing of professional services as described in the proposal for an aggregate fee of \$90,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Acting Director Horvath, Director Dumas, Acting Director R. Johnson, Director Smith, Acting Director Thompson, Directors Flask, Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 292-12.

By Director Withers.

Whereas, under the authority of Ordinance No. 556-08, passed by the Council of the City of Cleveland on June 9, 2008, the Director of Public Utilities is authorized to purchase customer-owned transformation and other electric facilities serving a specific customer if such purchase would relieve Cleveland Public Power (CPP) from incurring the expense of installing such facilities, provided that the price of such customer-owned facilities does not exceed their fair market value as determined by the Board of Control; and

Whereas, CPP will be providing electric service to the new Nine Mile Creek tunneling operation and pump station under construction by the Northeast Ohio Regional Sewer District (NEORS); and

Whereas, NEORS's project includes the construction of an electrical substation which if owned by CPP would enable CPP to provide electric service to the tunneling operation and pump station without incurring the cost of constructing such facilities; and

Whereas, in anticipation of integrating the substation into CPP's transmission system, NEORS included certain additional equipment in the construction project necessary to integrate the substation into CPP's transmission control center and security system, at a cost of \$178,251.53; and

Whereas, NEORS has agreed to sell the Nine Mile Creek substation to CPP for solely the cost of the additional equipment installed to integrate the substation into CPP's system provided that CPP assumes all future maintenance and regulatory compliance responsibilities; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 556-08, passed by the Council of the City of Cleveland on June 9, 2008, this Board determines that the fair market value of the Nine Mile Creek substation con-

structed and owned by the Northeast Ohio Regional Sewer District is not less than \$178,251.53.

Yeas: Acting Director Horvath, Director Dumas, Acting Director R. Johnson, Director Smith, Acting Director Thompson, Directors Flask, Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 293-12.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Petty Group, LLC for an estimated quantity of fence installation, maintenance and/or repair, Option 1 (all items), for the various divisions of the Department of Public Utilities, for a period of one (1) year starting upon the execution of the contract, received on May 16, 2012, under the authority of Ordinance No. 395-09, passed April 20, 2009, which on the basis of the estimated quantity would amount to \$626,335.39 (2%-10 days), is affirmed and approved as the lowest and best bid; and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for the initial order, the cost of which shall be certified to the contract in an amount not less than \$60,000.00

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor for the above-mentioned requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>CSB/MBE/FBE</u> <u>WORK</u>
Tech Ready Mix	CSB/MBE TBD
Work Best Electric	CSB/FBE \$12,640.00 (2.018%)

Yeas: Acting Director Horvath, Director Dumas, Acting Director R. Johnson, Director Smith, Acting Director Thompson, Directors Flask, Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 294-12.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by EnviroCom Construction, Inc., under City Contract No. PI2012*002 for the public improvement of renovating and upgrading the Federal Services Station Building at Cleveland Hopkins International Airport, authorized by Ordinance No. 273-09, passed by the Council of the City of Cleveland on June 8, 2009, and Board of Control Resolution No. 465-11, as amended by Resolution No. 127-12, adopted September 21, 2011 and March 28, 2012, respectively, is approved.

<u>Subconsultant</u>	<u>CSB/MBE/FBE %</u> <u>Amount</u>
SoundCom Systems Corporation	7.76% Non CSB/MBE/FBE \$125,000.00

Yeas: Acting Director Horvath, Director Dumas, Acting Director R. Johnson, Director Smith, Acting Director Thompson, Directors Flask, Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 295-12.

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Shelly Company, for an estimated quantity of asphalt for runways, taxiways, ramps and roadways, including labor and materials for repair and installation, all items, for the various divisions of the Department of Port Control, for a period of two years beginning with the date of execution of a contract, with two one-year options to renew, received on April 13, 2012, under the authority of Ordinance No. 1718-11, passed on January 23, 2012, which on the basis of the estimated quantity would amount to \$1,389,000.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the goods and services necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$69,450.00.

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

Be it further resolved by the Board of Control that the employment of the following subcontractors by The Shelly Company is approved:

<u>Subcontractor</u>	<u>CSB/MBE/FBE %</u> <u>Amount</u>
Cook Paving & Constr. Co., Inc.	12.00% CSB/MBE \$166,680.00
Friedel Trucking Co., Inc.	5.00% CSB/FBE \$ 69,450.00
PGT Construction, Inc.	5.00% CSB/FBE \$ 69,450.00

Yeas: Acting Director Horvath, Director Dumas, Acting Director R. Johnson, Director Smith, Acting Director Thompson, Directors Flask, Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 296-12.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of VanCuren Services, Inc., for an estimated quantity of urban forest property maintenance service, Items Group 1(A), (B), (C), (D), tree pruning, Group 2 (A), (B) tree

removal and Group 3 root stump removal, all items, for the Division of Park Maintenance and Properties, for a one-year period beginning with the date of execution of a contract, with a one-year option to renew, received on April 12, 2012, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$107,664.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$5,383.20.

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

Yeas: Acting Director Horvath, Director Dumas, Acting Director R. Johnson, Director Smith, Acting Director Thompson, Directors Flask, Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 297-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 134-02-036 located at 7419 Park Ave. in Ward 12; 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, Jason C. Kirksey has proposed to the City to purchase and develop the parcels for a yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Jason C. Kirksey for the sale and development of Permanent Parcel No. 134-02-036 located at 7419 Park Ave., 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 parcel shall be

\$420.00, which amount is determined to be not less than the Fair Market value of the parcel for uses according to the Program.

Yeas: Acting Director Horvath, Director Dumas, Acting Director R. Johnson, Director Smith, Acting Director Thompson, Directors Flask, Rush, Nichols, Fumich and Rybka. Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

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 stated in the examination announcement.

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

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

ROBERT BENNETT, President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 23, 2012

9:30 A.M.

Calendar No. 12-110: 7200 Brookpark Road (Ward 13)

M&G Equities, a New York Partnership, owner, and HH Gregg appeal to erect wall signs that measure 7' x 28' and 2'-4" x 28' and 10'-6" x 40' of single faced signage on a building located on property in a C1 General Retail Business District for the first 80 feet of frontage and the balance in a C3 Semi-Industry District; requesting 950 square feet of sign area, contrary to 486 square feet that is allowed for sign uses in an industrial district, as regulated in the Schedule of Permitted Types, Number, Area and Height under Section 350.15(a) of the Cleveland Codified Ordinances.

Taxi Driver's License

Calendar No. 12-113: Ahmed Warsame

Ahmed Warsame appeals under the authority of Section 76-6 of the Charter of the City of Cleveland

from a decision of the Commissioner of Assessments and Licenses to deny his application for a 2011-2012 Taxi Driver's License under the provisions in Section 443.131(b) of the Cleveland Codified Ordinances.

Calendar No. 12-114: 4159 Lee Road (Ward 1)

Golden Arch Realty Corporation, owner, appeals for an expansion of restaurant use to include a drive through lane on an acreage corner parcel located in a C1 General Retail Business District; subject to Section 349.15(c) bicycle parking is required at the ratio of 1 for every 20 automobile spaces and for 36 auto spaces, 2 spaces are required and none are proposed; and in the provisions under Section 347.16 the operator of a drive through establishment shall keep the premises free of excess litter originating from the use and shall have refuse containers readily available for use by customers; and in accordance with Section 347.16(g)(2), a 10 feet wide screened landscape strip is required at the north side of the lot where it abuts a residential district; and by the provisions under Section 347.16(g)(6), retail sales from drive through lanes of a drive through establishment abutting a residential use shall be prohibited from 11:00 PM to 6:00 AM daily; and a landscape strip 6 feet wide is required along Lotus Drive where the parking lot abuts the street according to Section 352.10 in the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 9, 2012

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

The following appeals were **APPROVED:**

Calendar No. 12-105: 2317 West 6th Street

Anthony Hughes appealed to erect 120 lineal feet of wooden fence 6 feet and 4 feet high on a lot in a B1 Two-Family District; subject to updated plan.

Calendar No. 12-106: 1019 Kenilworth Avenue

Bentley Books, LLC and David Ferrante appealed to erect a frame open deck to the front wall of a rear single family residence in a C1 Local Retail Business District.

Calendar No. 12-12: 5418 Fleet Avenue

2281 Sullivan LLC/Amer Ahmad appealed to change use from storage to a minor motor vehicle repair use in a B1 Local Retail Business District; subject to conditions.

The following appeal was **WITHDRAWN:**

Calendar No. 12-93: 4603 East 147th Street

Carol Joiner appealed to erect 100 lineal feet of 4 foot high chain link

fence and a gate to enclose a parcel in an A1 One-Family District.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

None.

The following appeals heard by the Board on July 2, 2012 were adopted and approved on July 9, 2012.

The following appeals were **DENIED:**

Violation Notice

Calendar No. 12-100: 3821 Lorain Avenue

William and Ellen Mueller appealed from a Notice of Violation issued by the Department of Building and Housing.

Violation Notice

Calendar No. 12-101: 15645 Puritas Avenue

Peachtree Family Limited, owner, and Martin Davidson, managing agent for Winwood Properties, appealed from a Notice of Violation issued by the Department of Building and Housing.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

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."

FRIDAY, JULY 27, 2012

File No. 86-12 — Front Entry Door Replacement Police Headquarters Building, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 1737-08, passed by the Council of the City of Cleveland, December 8, 2008.

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, JULY 19, 2012 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 92-12 — 2012 Safety Surface and Signage Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 534-12, passed by the Council of the City of Cleveland, June 4, 2012.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF 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, JULY 19, 2012 AT 2:00 P.M. CLEVELAND CITY HALL, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

July 11, 2012 and July 18, 2012

WEDNESDAY, AUGUST 1, 2012

File No. 87-12 — Kovacic Recreation Center Roof and Locker Room Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 452-11, passed by the Council of the City of Cleveland, May 16, 2011.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) 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, JULY 19, 2012 AT 11:00 A.M. CLEVELAND CITY HALL, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 95-12 — Purchase of Gasoline, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JULY 20, 2012 AT 10:30 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

July 11, 2012 and July 18, 2012

FRIDAY, AUGUST 3, 2012

File No. 96-12 — Purchase of Labor and Materials to Maintain and Repair Low-Pressure Steam Boilers and Appurtenances (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1216-11, passed by the Council of the City of Cleveland, October 10, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JULY 19, 2012 AT 11:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 97-12 — Ion Chromatograph and Appurtenances (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 485-96, passed by the Council of the City of Cleveland, May 6, 1996.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JULY 19, 2012 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 98-12 — Sewer Test Tee Inspection, Installation and Snaking, for the Division of

Water Pollution Control, Department of Public Utilities, as authorized by Section 541.13 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING** FRIDAY, JULY 20, 2012 AT 11:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108. **THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

July 11, 2012 and July 18, 2012

THURSDAY, AUGUST 9, 2012

File No. 88-12 — Gutter Broom Streets and Coreless Tube Brooms, for the Division of Streets, Department of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, JULY 24, 2012 AT 11:00 A.M. CLEVELAND CITY HALL, DIVISION OF STREETS, ROOM 25 CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

July 11, 2012 and July 18, 2012

THURSDAY, AUGUST 16, 2012

File No. 89-12 — Labor and Materials Necessary to Remove Rubber and Any Other Contaminants from Paved Surfaces, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 745-12, passed by the Council of the City of Cleveland, June 4, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, JULY 25, 2012 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

File No. 90-12 — Furniture for the Various Divisions of the Department of Port Control, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, JULY 24, 2012 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

File No. 91-12 — Labor and Materials Necessary for Repairing or Replacing Roofs (Re-Bid), for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 956-11, Passed by the Council of the

City of Cleveland, August 17, 2011.
THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, JULY 23, 2012 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

July 11, 2012 and July 18, 2012

FRIDAY, AUGUST 17, 2012

File No. 93-12 — Purchase of Various Engine Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, JULY 20, 2012 AT 9:30 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 94-12 — Various Specialty Tires, Tubes and Related Equipment (Re-bid), for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, JULY 20, 2012 AT 10:00 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150

EAST 49TH STREET, CLEVELAND, OHIO 44105.

July 11, 2012 and July 18, 2012

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NONE

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O—Ordinance; R—Resolution; F—File
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