

The City Record

Official Publication of the Council of the City of Cleveland



November the Fifth, Two Thousand and Fourteen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

The City Record is available online at
www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

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

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Martin J. Flask, Executive Assistant to the Mayor of Special Projects
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
 Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability
 Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs
 Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

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

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

DEPT. OF LAW – Barbara A. Langhenry, Director, Gary D. Singletary, Chief Counsel,
 Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
 Room 106: John Skrtic, Law Librarian, Room 100

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

Natasha Brandt, Manager, Internal Audit

DIVISIONS:

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

DEPT. OF PUBLIC UTILITIES – Sharon Dumas, Interim Director, 1201 Lakeside Avenue

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner
 Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer
 Water – Alex Margevicius, Interim Commissioner
 Water Pollution Control – Rachid Zoghbaib, Commissioner

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

Animal Control Services – John Baird, Chief Dog Warden, 2690 West 7th Street
 Correction – Robert Tasky, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive
 Fire – Patrick Kelly, Chief, 1645 Superior Avenue
 Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

DEPT. OF BUILDING AND HOUSING – Ronald J.H. O'Leary, Director, Room 500

DIVISIONS:

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

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

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

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Eugene R. Miller (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Gary Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Peter Whitt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

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71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, NOVEMBER 5, 2014

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CITY COUNCIL

MONDAY, NOVEMBER 3, 2014

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2014-2017

MONDAY — Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

The following Committees meet at the Call of the Chair:

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

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

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

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

October 29, 2014

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 29, 2014 at 10:40 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Smith, Cox, Parrilla, Acting Directors Withers, Cosgrove, Director Southerington, Acting Director Thornton and Directors Fumich, O'Leary.

Absent: Mayor Jackson, Director Dumas and Interim Director Dumas.

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

Tiffany White, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 503-14.

By Director Dumas.

Whereas, under the authority Section 181.02, of the Codified Ordinances of Cleveland, Ohio, 1976 ("C.O."), Ordinance No. 856-08, passed by the City's Council on June 9, 2008, and Resolution No. 606-13, adopted by the City's Board of Control on October 16, 2013, the City of

Cleveland, through the Director of Public Utilities, entered into an agreement with Accela, Inc., City Contract No. CT 2002PS 2013-254, to acquire professional services, maintenance and technical support services for the Division of Water; and

Whereas, when a director has been authorized by ordinance to acquire a software system, division (c) of Section 181.102 C.O. authorizes the director or the Director of Finance to execute one or more license agreements directly with software licensing firm for software needed to implement or maintain a previously acquired software system; and

Whereas, when a director has been authorized to contract with a software developer or vendor, division (d) of Section 181.102 C.O. authorizes the director of the department for which the software is acquired or the Director of Finance to enter into an agreement with a software vendor for professional services necessary to implement or maintain the software products, including but not limited to maintenance, repair, upgrades, enhancements and technical support; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an amendment, of Contract No. CT 2002PS 2013-254 with Accela, Inc. to obtain the professional services for maintenance, software licenses, and technical support necessary to implement and maintain the Accela, Inc. software products acquired by licenses under Contract No. CT 2002PS 2013-254, as previously renewed, for and during a period of one year starting January 1, 2015; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the compensation to be paid Accela Inc., under the agreement for software licenses, maintenance and technical support services to be performed, entitled Amendment, shall not exceed \$688,703.00.

Yeas: Directors Langhenry, Smith, Cox, Parrilla, Acting Directors Withers, Cosgrove, Director Southerington, Acting Director Thornton and Directors Fumich, O'Leary.

Nays: None.

Absent: Mayor Jackson, Director Dumas and Interim Director Dumas.

Resolution No. 504-14.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 744-13, passed by the Council of the City of Cleveland on

July 10, 2013, the firm of GPD Group, Inc. ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to design the Primary Road Fire and Domestic Water Line Improvements at Cleveland Hopkins International Airport for the various divisions of the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with GPD Group, Inc. for the above-mentioned services, based upon its proposal dated July 29, 2014, which contract shall be prepared by the Director of Law, shall provide that the compensation to GPD Group, Inc. for the services authorized shall not exceed \$239,705.00 for the duration of the contract 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 sub-consultants by GPD Group, Inc. is approved:

<u>Sub-consultant</u>	<u>Percentage Amount</u>
G & T Associates, Inc.	10.27%-CSB/MBE \$24,625.00
URS Corporation	0.000%-Non-Certified \$25,000.00

Yeas: Directors Langhenry, Smith, Cox, Parrilla, Acting Directors Withers, Cosgrove, Director Southerington, Acting Director Thornton and Directors Fumich, O'Leary.

Nays: None.

Absent: Mayor Jackson, Director Dumas and Interim Director Dumas.

Resolution No. 505-14.

By Director Rush.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1300-13, passed by the Council of the City of Cleveland on October 14, 2013, Carolyn Smith is selected from a list of qualified consultants determined after a full and complete canvass by the Director of Community Development as the consultant 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 provide technical assistance to Storefront Renovation Program applicants located in certain areas of the city for calendar year 2015, for the Division of Neighborhood Development, Department of Community Development.

Be it further resolved that the Director of Community Development is authorized to enter into contract

with Carolyn Smith, which shall be prepared by the Director of Law, shall provide for the furnishing of professional services for the Storefront Renovation Program above for an aggregate fee of \$44,000, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Smith, Cox, Parrilla, Acting Directors Withers, Cosgrove, Director Southerington, Acting Director Thornton and Directors Fumich, O'Leary.

Nays: None.

Absent: Mayor Jackson, Director Dumas and Interim Director Dumas.

KATE E. RYAN,
Acting 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, NOVEMBER 10, 2014

9:30 A.M.

Calendar No. 14-196: 1839 Fulton Road (Ward 3)

Alex Preedy, owner, proposes to construct an approximately 7' x 12' deck addition to a house located on an irregular shaped parcel located in a B1 Two-Family Residential District. The owner appeals for relief from Section 357.08(b)(1) of the Cleveland Codified Ordinances which states that the required rear yard shall not be less than 20' but in no case less than 1/2 the height of the main building and a 4 foot rear yard is proposed. (Filed October 2, 2014)

MONDAY, NOVEMBER 24, 2014

9:30 A.M.

Calendar No. 13-253: 4600 West 160th Street (Ward 18)

MWTP LLC, pursuant to the Journal Entry of the Cuyahoga County Common Pleas Court in Case-CV-14-823007 dated September 18, 2014, where the Court, having reviewed the entire record, remanded the case to the City of Cleveland Board of Zoning Appeals for the limited purpose of considering the application of an area variance using the "practical difficulty" standard as set out in Duncan v. Village of Middlefield (1986) 91 N.E.2D 692 in a request to convert an existing static 14' x 48' billboard sign to automatic changeable copy, electronic image, sign face, located on an acreage parcel in a B3 General Industry District; contrary to the provisions under Section 350.10(j) that billboards shall not include automatic changeable copy signs, i.e., that is, electronic message centers. (Filed November 20, 2013)

Calendar No. 14-203: 3018 Clinton Avenue (Ward 3)

Marge Misak, owner, appeals to construct an accessory structure and install rain water collection barrels within the front yard contrary to Section 337.23(a) of the Cleveland Codified Ordinances which states that accessory buildings and uses shall be located on the rear half of the lot. (Filed October 9, 2014)

Violation Notice

Calendar No. 14-204: 15402 Macauley Road (Ward 8)

Michael Dubson, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered by the City of Cleveland Parking Violations Bureau Waste Collection and Photo Safety Division on October 14, 2014 and the violation information described on Civil Infraction Ticket Number WC00199786, issued August 12, 2014 for the property located at 15402 Macauley Road and failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

Calendar No. 14-205: 5605 Detroit Avenue (Ward 15)

Muhammad Riaz, owner, proposes to change use of a 2 story boarding house to a convenience store with no use on the second floor on a corner parcel located in a C2 Local Retail Business District. The owner appeals for relief from the strict application of Section 352.07(b) of the Cleveland Codified Ordinances which states that a determination by the Board of Zoning Appeals is required prior to issuing a Building Permit or Certificate of Occupancy for any change of use when the proposed site is not in conformance with applicable landscape regulations. Pursuant to Section 352.08-352.12 an eight foot wide landscape transition strip providing 75% year round opacity is required in the rear of the lot where it abuts a Two-Family Residential District and a six foot wide landscape frontage strip providing 50% year round opacity is required where the parking lot

abuts West 57th Street and no landscaping is proposed. (Filed October 14, 2014)

Calendar No. 14-206: 11601 Mayfield Road (Ward 6)

University Circle Housing Inc., owner, proposes to erect a 190,600 square foot mixed-use retail and 226 dwelling unit residential building, a 278,900 square foot, 800 space parking garage building and a 141,500 square foot retail and office building on a 98,446 square foot lot that is located in a G4 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.08 which states that Retail and Office uses are not permitted in a Multi-Family Residential District.

2. 355.04(b) which states that in a "G" Area District the maximum gross floor area of buildings cannot exceed three times the lot area. The permitted maximum gross floor area in this case is 295,338 square feet and 618,500 square feet gross floor area, of all buildings, is proposed.

3. Section 357.01(a) which states that front, rear, and side yards are required for all main buildings in a residence district.

4. Section 357.04(a) which states that a front yard equal to 15% of the depth of the lot, not to exceed 30 feet, is required; 7 feet to 3' - 9" are proposed with the building overhang extending into the right of way.

5. Section 357.08(a) which states that a rear yard equal to half the height of the main building is required. The building heights range from 94 to 144 feet, with the office/retail building and the parking building being proposed to be placed in the required rear yard of the residential building fronting on Mayfield Road.

6. Section 357.05(a) which states that a side street yard equal to one-half the height of the building(s) (47 to 63 feet) is required; none are proposed.

7. 357.09(b)(2)(C) which states that an interior side yard equal to one-fourth the height of the building(s) (24 to 36 feet) is required, the exact dimensions not provided. (Filed October 15, 2014)

Calendar No. 14-207: 5801 Ensign Avenue (Ward 5)

Carey Holdings Inc., owner, proposes to use property for storage of fill dirt on a parcel located in a C2 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03 which states that outdoor storage of dusty materials not listed as a permitted use. Said use is first permitted in a General Industry District per Section 345.04(a)(1)(B).

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

3. Section 349.07(a) which states that all vehicle maneuvering areas shall be paved, and drained within the lot and no paving or grad shown. (Filed October 16, 2014)

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 3, 2014

At the meeting of the Board of Zoning Appeals on Monday, November 3, 2014, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 14-162: 10201 Harvard Avenue
9000 Aetna LLC, owner, appealed to establish use for outside storage/stockpiling of dirt and rock on a parcel located in a B3 Semi-Industrial District.

Calendar No. 14-173: 15201 Chatfield Avenue
M & H Investment Co., owner, appealed to change use from a wire warehouse and factory to motor vehicle repair shop on a parcel located in Residence Industry and Semi-Industry District.

Calendar No. 14-188: 17045-17121 Euclid Avenue
John Malone, owner, appealed to install a 54 inch high black aluminum picket fence in the front yard and 6 foot high fence in the side yard of a property located in a D2 Local Retail Business District.

Calendar No. 14-190: 2342 Professor Avenue
2342 Professor LLC., owner, appealed to change use from print shop to art gallery/store on a corner parcel located in a C1 General Retail Business District.

Calendar No. 14-195: 3173 Ashwood Road
Charlene Gilmore, owner, appealed to erect 30 linear feet of 4 foot high steel fence with bollards and plastic chains within the side yard of a parcel located in an A1 One-Family Residential District.

The following appeals were **DENIED:**

None.

The following appeal was **WITHDRAWN:**

Calendar No. 14-170: 2472 East 126th Street
Emily Trier, owner, appealed to change use from two-family dwelling to a three-family dwelling on a parcel located in a Two-Family Residential District.

The following appeals were **DISMISSED:**

None.

The following appeal was **POSTPONED:**

Calendar No. 14-192: John Deadwyler
2489 East 79th Street. Postponed to December 15, 2014.

The following appeals were heard by the Board on October 27, 2014 and the decisions were adopted and approved on November 3, 2014:

The following appeals were **APPROVED:**

Calendar No. 14-142: 3675 East 65th Street
Bethel Church, owner, proposes to change use from Funeral Home to Art Gallery in an A1 One Family Residential District.

Calendar No. 14-163: 10400 Clifton Boulevard
Smith Ford Realestate, owner, and Christina Anderson tenant, proposed to expand the existing beauty supply store and salon to include tattooing.

The following appeals were **DENIED:**

None.

The following appeal was **WITHDRAWN:**

Calendar No. 14-144: 511 East 140th Street
Gillota Fuel Products, appealed to expand existing motor vehicle service station by adding a 209 square foot addition in a D2 Local Retail Business District.

The following appeal was **DISMISSED:**

Calendar No. 14-161: 511 East 140th Street
Gillota Fuel Products appealed the Notice of Nonconformance issued July 29, 2014.

The following appeals were heard by the Board on October 6, 2014 and the decisions were adopted and approved on November 3, 2014:

The following appeal was **APPROVED:**

Calendar No. 14-142: 3675 East 65th Street
Bethel Church, owner, proposes to change use from Funeral Home to Art Gallery in an A1 One Family Residential District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Department of Public Safety,
City of Cleveland

Regarding a Residential Permit Parking Area proposed for the East 118th Street/Wade Park Avenue area.

The hearing will be held in the Community Room at Public Safety Central, 2001 Payne Avenue, on Thursday, November 6, 2014, at 11:00 a.m. Free parking is available on Payne Ave. in front of the building.

October 22, 2014, October 29, 2014 and November 5, 2014

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On Development, Planning and Sustainability

Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Tuesday, November 11, 2014
9:30 a.m.

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Tuesday, November 11, 2014, at 9:30 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 996-14.

By Council Member Zone.
An ordinance removing the existing mapped front setbacks on parcels located on the north side of Clifton Boulevard between West 117th Street and West 116th Street and parcels fronting on West 117th Street as well as West 116th Street north of Clifton Boulevard as shown on the attached map (Map Change No. 2497).

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

Anthony Brancatelli, Chair
Committee on Development,
Planning and Sustainability

October 29, 2014 and November 5, 2014

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, NOVEMBER 21, 2014

File No. 127-14 — Employee Uniforms and Related Items for the Airport Rescue and Firefighting Division, for the various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 14, 2014 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

November 5, 2014 and November 12, 2014

FRIDAY, DECEMBER 5, 2014

File No. 126-14 — Fire Hydrants and Fire Hydrant Parts, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, NOVEMBER 13, 2014 AT 2:30 P.M. THE CLEVELAND WATER DEPARTMENT, 2ND FLOOR CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 5, 2014 and November 12, 2014

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1031-14.
By Council Members K. Johnson and Brancatelli (by departmental request).

An emergency resolution declaring the intent to vacate a portion of West 21st Street (12.00 feet wide) and a portion of Moore Avenue N.W. (66.00 feet wide).

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 21st Street (12.00 feet wide) and a portion of Moore Avenue N.W. (66.00 feet wide), as described; and

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

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

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

A portion of West 21th Street
(12.00 feet wide)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being all that remaining portion of West 21st Street (12.00 feet wide) vacated by ordinance 382-58 passed 2-17-1958 extending from the north line of Moore Avenue N.W. (66.00 feet wide) northerly to the easterly prolongation of the north line of Gould Court N.W. (16.5 feet wide).

A portion of Moore Avenue N.W.
(66.00 feet wide)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being all that portion of Moore Avenue N.W. (66.00 feet wide) extending from that portion of Moore Avenue N.W. (66.00 feet wide) vacated by ordinance 2031-97 passed April 6th 1998 to the west line of West 20th Street (66.00 feet wide).

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

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

Adopted October 27, 2014.
Effective October 28, 2014.

Res. No. 1198-14.

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

An emergency resolution declaring the intent to vacate a portion of Sorg Court N.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Sorg Court N.E., as described; and

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

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

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

A portion of Sorg Court N.E.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being part of original Ten Acre Lots 126 and 127 in Agnes McIntosh Heirs of Alexander McIntosh Allotment as shown volume 12, page 46 of Cuyahoga County Map Records further described as follows:

Being all that portion of Sorg Court N.E. (12.00 feet wide) and its turnouts extending from the northerly prolongation of the easterly right of way of East 48th Place (12.00 feet wide) easterly to the westerly right of way of East 49th Street (60.00 feet wide).

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

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

Adopted October 27, 2014.

Effective October 28, 2014.

Res. No. 1419-14.
By Council Member Kelley (by departmental request).

An emergency resolution rejecting in its entirety the Fact-Finder's findings and recommendations in the matter of City of Cleveland and the International Brotherhood of Electrical Workers Local 39.

Whereas, findings and recommendations of the Fact-Finder have

been submitted to this Council under division(C)(6)(a) of Section 4117.14 of the Revised Code; and

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

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

Section 1. That, having duly considered the Fact-Finder's findings and recommendations in the matter of City of Cleveland and the International Brotherhood of Electrical Workers Local 39 (SERB Case No. 2012-MED-12-1405 and SERB Case No. 2012-MED-12-1406), which were served on the City's representative on October 20, 2014, a copy of which are contained in File No. 1419-14-A, this Council rejects the Fact-Finder's findings and recommendations in their entirety.

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

Adopted October 27, 2014.

Effective October 28, 2014.

Res. No. 1435-14.
By Council Member Cimperman.
An emergency resolution withdrawing objection to the transfer of location of a D1 and D2 Liquor Permit at 1810 West 25th Street and repealing Resolution No 1145-14, objecting to said transfer.

Whereas, this Council objected to the transfer of location of a D1 and D2 Liquor Permit to Tabletop Board Game Café, LLC, 1810 West 25th Street, Cleveland, Ohio 44113, Permanent No. 8775046 by Resolution No. 1145-14 adopted by the Council on September 8, 2014; and

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

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

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

Section 1. That objection to the transfer of location of a D1 and D2 Liquor Permit to Tabletop Board Game Café, LLC, 1810 West 25th Street, Cleveland, Ohio 44113, Permanent No. 8775046, be and the same is hereby withdrawn and Resolution No. 1145-14, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted October 27, 2014.

Effective October 28, 2014.

Ord. No. 1468-12.
By Council Member Cleveland.
An ordinance changing the Use District of lands located on the north side of Morgan at E. 68th Street to E. 76th Street to Semi-Industry (Map Change Number 2419).

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning at the intersection of the centerline of Morgan Avenue with the Northeasterly prolongation of the Southeasterly line of Sublot No. 183 in the J. Gallup Subdivision of part of Original Lot No. 322 in Newburgh Township as shown on the plat recorded in Volume 6, Page 16 of Cuyahoga County Map Records;

Thence Southeasterly along said centerline of Morgan Avenue to its intersection with the centerline of East 68th Street;

Thence Southwesterly along said centerline of East 68th Street to its intersection with the Southeasterly prolongation of the Northeasterly line of land conveyed to the City of Cleveland by deed recorded in Volume 6606, Page 640 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 125-31-049;

Thence Northwesterly along said Northeasterly line of land conveyed to the City of Cleveland and its Southeasterly prolongation to a Northwesterly line thereof;

Thence Southwesterly along said Northwesterly line land conveyed to the City of Cleveland and the Northwesterly line of land conveyed to James R. Hochschild by deed recorded in Volume 96-11504, Page 57 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 125-31-058, and its Southwesterly prolongation to its intersection with the centerline of Regent Street;

Thence Northwesterly along said centerline of Regent Street to its intersection with the Southwesterly prolongation of the Southeasterly line of Sublot No. 201 in said J. Gallup Subdivision;

Thence Northeasterly along said Southeasterly line of Sublot No. 201 and its Southwesterly prolongation to a Northwesterly line thereof;

Thence Northwesterly along said Northeasterly line of Sublot No. 201 and the Northeasterly lines of Sublot Nos. 200 thru 196 inclusive in said J. Gallup Subdivision to the Southeasterly line of Sublot No. 183 in said J. Gallup Subdivision;

Thence Northeasterly along said Southeasterly line of Sublot No. 183 and its Northeasterly prolongation to the principal place of beginning.

are changed to a Semi-Industry Use District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2419 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed October 27, 2014.
Effective November 26, 2014.

Ord. No. 465-14.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with JIT Services, LLC to manage, operate, and maintain the North Coast Harbor Transient Marina, associated support facility, concessions and equipment rental programs, for a period of five years, with one five-year option to renew, exercisable through additional legislative 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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter into a Lease By Way of Concession ("Lease") with JIT Services, LLC to manage, operate, and maintain the North Coast Harbor Transient Marina, associated support facility, concessions and equipment rental programs, for the Department of Port Control.

Section 2. That the term of the Lease shall be for a period of five

years, with one five-year option to renew, exercisable through additional legislative authority.

Section 3. That the Lease shall provide that JIT Services, LLC will pay the City a fixed rent of \$2,000 per month from May through October for each year of the term, plus 6.5% of the gross revenues generated from the marina and any of its related concessions.

Section 4. The agreement or agreements 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 October 27, 2014.

Effective October 28, 2014.

Ord. No. 990-14.

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

An emergency ordinance authorizing the Director of Capital Projects to lease certain property known as Arch

No. 6 of the Superior Viaduct to the John G. Johnson Construction Company, or its designee, for the purpose of providing employee parking, for a period of five years, with one option to renew for an additional five year period, exercisable by the Director of Capital Projects.

Whereas, the City of Cleveland owns certain property known as Arch No. 6 of the Superior Viaduct, which is not needed for the City's public use; and

Whereas, the John G. Johnson Construction Company, or its designee, (the "Lessee") has proposed to lease the property from 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 notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Capital Projects is authorized to lease to Lessee, certain property known as Arch No. 6 of the Superior Viaduct, which is not needed for the City's public use, and is more fully described as follows:

Superior Viaduct - Arch Number 6
Situated in the City of Cleveland,
County of Cuyahoga and State of Ohio

and known as being part of Sublots Numbers 554, 555, and 563 through 568 both inclusive, as shown by the recorded plat of the Buffalo Company's Allotment of a part of Original Brooklyn Township Lot Numbers 51 and 70 in Volume 3 of Maps, Page 51 of Cuyahoga County Records and being about 117.5 feet in length and 80.00 feet wide and containing 7,265 square feet of land;

Having excluded 2,135 square feet of land within Pier Number 13 and the Easterly one-half of Pier Number 14.

Section 2. That the term of the lease authorized by this ordinance shall not exceed five years, with one option to renew for an additional five years, exercisable by the Director of Capital Projects.

Section 3. That the purposes of the lease shall be for employee parking only.

Section 4. That the property authorized by this ordinance shall be leased at fair market value as determined by the Board of Control, exclusive of utilities.

Section 5. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 6. That the lease shall be prepared by the Director of Law.

Section 7. That the Director of Capital Projects, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed October 27, 2014.

Effective October 28, 2014.

Ord. No. 1134-14.

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

An emergency ordinance authorizing the Director of Capital Projects to issue permits to The Cleveland Clinic Foundation to encroach into the public right-of-way of Carnegie Avenue by installing, using, and maintaining a shoring system and tiebacks.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195 ("Permittee"), to encroach into the public right-of-way of Carnegie Avenue by installing, using, and maintaining a shoring system and tiebacks at the following-described location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being an Encroachment for construction purposes through Carnegie Avenue west of East 105th Street and more fully described as follows:

Beginning at a drill hole set at the intersection of the westerly line of East 105th Street with the northerly line of Carnegie Avenue (said intersection is shown on Plat Volume 97-03584, Page 52, Map of Consolidation for The Cleveland Clinic Foundation, as recorded in the Cuyahoga County Map Records);

Thence northwesterly along the northerly line of Carnegie Avenue, N87°55'09"W (bearings referenced to the Ohio Coordinate System, North Zone, NAD83), 130.20 feet to the True Place of Beginning for the encroachment hereinafter described;

Thence southeasterly into said Carnegie Avenue, S01°06'05"E, 71.84 feet to a point;

Thence northwesterly through said Carnegie Avenue, S88°53'55"W, 250.00 feet to a point;

Thence, N01°06'05"W, 85.74 feet to the northerly line of said Carnegie Avenue;

Thence southeasterly along said northerly line, S87°55'09"E, 250.39 feet to the True Place of Beginning for the encroachment herein before described and containing 19,697 Square Feet of land as surveyed by Daniel C. Kalstrom, Professional Surveyor (Reg. No. 6302) in August, 2014.

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

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

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

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

Passed October 27, 2014.

Effective October 28, 2014.

Ord. No. 1249-14.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2012-326 with HydroChem, LLC to provide required analysis, reporting, testing, and disposal of waste material necessary for mandatory environmental compliance for the various divisions of the Department of Port Control, and for other related services necessary for the compliance.

Whereas, under the authority of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, and Ordinance No. 1435-11, passed October 31, 2011 ("Ordinance No. 499-10, as amended"), the Director of Port Control entered into Contract No. PS 2012-326 with HydroChem, LLC to provide required analysis, reporting, testing, and disposal of waste material necessary for mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, for the Department of Port Control, and for other related services necessary for the compliance; and

Whereas, Ordinance No. 499-10, as amended, requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. PS 2012-326 for an additional year with HydroChem, LLC to provide required analysis, reporting, testing, and disposal of waste material necessary for mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, for the Department of Port Control, and for other related services necessary for the compliance. This ordinance constitutes the additional legislative authority required by Ordinance No. 499-10, as amended, to exercise this option.

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

Passed October 27, 2014.

Effective October 28, 2014.

Ord. No. 1250-14.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2012-327 with HydroChem, LLC to provide environmental emergency response services necessary for mandatory environmental compliance for the various divisions of the Department of Port Control, and for other related services necessary for the compliance.

Whereas, under the authority of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, and Ordinance No. 1435-11, passed October 31, 2011 ("Ordinance No. 499-10, as amended"), the Director of Port Control entered into Contract No. PS 2012-327 with HydroChem, LLC to provide environmental emergency response services necessary for mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, for the Department of Port Control, and for other

related services necessary for the compliance; and

Whereas, Ordinance No. 499-10, as amended, requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. PS 2012-327 for an additional year with HydroChem, LLC to provide environmental emergency response services necessary for mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, for the Department of Port Control, and for other related services necessary for the compliance. This ordinance constitutes the additional legislative authority required by Ordinance No. 499-10, as amended, to exercise this option.

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

Passed October 27, 2014.

Effective October 28, 2014.

Ord. No. 1324-14.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide talent management support services and other related services, for a period of one year, with three one-year options to renew, the second of which requires additional legislative 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 the Director of Port Control is authorized to employ by contract or contracts one or more consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide talent management support services, including talent acquisition, learning and development as well as performance management and enhancement services, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the

Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106, and 60 SF 141, Request No. RQS 3001, RL 2014-113.

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

Passed October 27, 2014.

Effective October 28, 2014.

Ord. No. 1327-14.

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

An emergency ordinance approving the Tax Incentive Review Council's Year 2013 recommendations.

Whereas, under Section 5709.85 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.85 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by the legislative authority; and

Whereas, under Section 5709.85 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; 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 TIRC's Year 2013 recommendations contained in File No. 1327-14-A are approved.

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 October 27, 2014.

Effective October 28, 2014.

Ord. No. 1417-14.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Office of Capital Projects to issue a permit to the Detroit Shoreway Community Development Organization to stretch a banner across West 65th Street, south of Detroit Avenue, for the period from November 20, 2014 to December 19, 2014, inclusive, promoting the Holiday Shopping event.

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 the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Office of Capital Projects is hereby authorized and directed to issue a permit to the Detroit Shoreway Community Development Organization to install, maintain and remove a banner across West 65th Street, south of Detroit Avenue; inclusive. Said banner shall be approved by the Office of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed October 27, 2014.

Effective October 28, 2014.

Ord. No. 1420-14.

By Council Member J. Johnson.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the St. Clair Superior Development Corporation for the Five Points Senior Food Program through the use of Ward 10 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement with the St. Clair Superior Development Corporation

for the Five Points Senior Food Program for the public purpose of providing nutritious foods and meals to needy senior citizens residing in the city of Cleveland through the use of Ward 10 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$30,000 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 October 27, 2014.

Effective October 28, 2014.

**COUNCIL COMMITTEE
MEETINGS**

NO MEETINGS

Index

O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

Agreements

Five Points Senior Food Program — St. Clair Superior Development Corp. — Community Development (Ward 10 NCF) (O 1420-14) **1604**

Banners

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