

# The City Record

Official Publication of the Council of the City of Cleveland



January the Second, Two Thousand and Thirteen

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

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

Containing	PAGE
City Council	3
The Calendar	3
Board of Control	3
Civil Service	3
Board of Zoning Appeals	3
Board of Building Standards and Building Appeals	4
Public Notice	6
Public Hearings	6
City of Cleveland Bids	6
Adopted Resolutions and Ordinances	7
Committee Meetings	7
Index	7



# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840  
 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, 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, 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 Southering, 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** – Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

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

**BOARD OF REVIEW** – (Municipal Income Tax) – 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** – 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; 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 Joseph J. Zone – Courtroom 14D

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 100

WEDNESDAY, JANUARY 2, 2013

No. 5169

## CITY COUNCIL

MONDAY, DECEMBER 31, 2012

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

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

#### MONDAY — Alternating

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

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

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:** Kelley, Chair; Sweeney, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Pruitt, Westbrook, Zone.

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

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

mission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

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

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

ROBERT BENNETT,  
President

### SCHEDULE OF THE BOARD OF ZONING APPEALS

#### MONDAY, JANUARY 14, 2013

9:30 A.M.

**Calendar No. 12-207:** 4455 Pearl Road  
(Ward 13)

Matthew Fuchs, owner, appeals to establish use as an open sales lot/farmers' market on consolidated lots located in B1 Two-Family Residential and C1 Local Retail Business Districts, the use is not permitted under Section 337.03 and pursuant to Section 337.25(d)(1) the sale of produce and agricultural products in a residential district requires the Board of Zoning Appeals approval; and products must be produced or grown on the property or within 1,000 feet if the property and at least 75% or 4,000 square feet of the subject property must be occupied by an agricultural use; and no agricultural use is shown on the proposed plan. In accordance with Section 347.11(a) an open sales lot must have a minimum width of 60 feet and the proposed lot tapers to a width of 50 feet; open areas proposed for display use or vehicular areas must be hard surfaced, paved and drained and none is indicated on the plan contrary to Section 347.11(b); and an 8 foot landscaped transition strip providing 75% year round opacity is required where the use abuts a Two-Family District to the north and none is provided, contrary to Section 352.08-12 in the Cleveland Codified Ordinances.

### 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

NO MEETING

### 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 Com-

**Calendar No. 12-218:** 5401 St. Clair Avenue (Ward 8)

Raj Patel, owner, appeals to construct a new restaurant proposed to be on consolidated parcels in a C2 Local Retail Business District; subject to the provisions under Section 347.16(d)(4) pedestrian routes between entrances to the principal structure and any parking area or side walk which require the crossing of drive-through lanes shall either be avoided or shall be clearly identified to pedestrians and motorists by pavement markings or signage; and in accordance with Section 347.16(e) 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 subject to Section 352.10 a landscape strip 6 feet wide is required along Marquette Street where the parking lot abuts the street; 8 parking spaces are proposed contrary to Section 349.04(f) and a requirement for 26 spaces. Under the provisions in Section 349.15 bicycle parking at the rate of 1 for every 20 car spaces is required; none is proposed and 2 are required and parking on the sidewalk is not permitted; and contrary to the provisions under Section 343.18(c), the driveway is on the property line and a distance of at least 15 feet from the property line is required, according to the Cleveland Codified Ordinances.

**Calendar No. 12-220:** 1170 Ivanhoe Road (Ward 10)

1170 Ivanhoe LLC, owner, and JJAK Mulch Services, LLC, John Hirko, prospective tenant, appeal to establish a wood and leaf recycling/processing site on acreage located in a B3 Semi-Industry District; subject to the limitations under Section 345.03, the proposed is not permitted and first permitted in a General Industry District under Sections 345.04(a)(1)(B) and 345.04(a)(3), provided that such uses are enclosed within a minimum 7 foot high solid, masonry wall or slightly, solid non-transparent, well maintained substantial fence; and by the provisions under Section 347.06(d), storage of material shall not be piled higher than 3 feet above the height of the wall or fence enclosing the yard, provided that at any point closer than 5 feet, such material shall not be piled above the height of the wall or fence; and accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such spaces, surfaced with concrete, asphaltic concrete asphalt or other surfacing material approved by the Director of Building and Housing, maintained in good condition and free of debris according to Section 349.07(a). Subject to restrictions under Section 347.05 for Location of Dusty Material Storage and Bitumen Processing, no space for the storage or distribution of coal, cinders, stone, slag, sand, cement, lime, iron ore or similar dust-producing material, and no space for manufacturing, refining or mixing tar, asphalt or other similar binding or waterproofing material shall be located less than 300 feet from a Residence District, Local Retail or General Busi-

ness Districts, except where dust, smoke, odor, noise and vibration there from will effectively be confined to the premises; and a 6 feet wide landscaping strip is required where the lot abuts a Local Retail Business District, pursuant to Sections 352.08-11 in the Cleveland Codified Ordinances.

#### Violation Notice

**Calendar No. 12-221:** 4019-21 Brooklyn Avenue (Ward 13)

Diane Stiver 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 November 16, 2012 and the violation information described on Civil Infraction Ticket Number WC00114934, issued October 18, 2012 for the property located at 4019 Brooklyn Avenue and failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

Secretary

### REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 31, 2012

At the meeting of the Board of Zoning Appeals on Monday, December 31, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

**Calendar No. 12-208:** 3552 East 131st Street

Cleveland Metropolitan School District, owner and the City of Cleveland, prospective purchaser, appealed to construct a new fire station on acreage located in a B1 Two-Family District.

**Calendar No. 12-217:** 6107 Broadway Avenue

Slavic Village Development, owner, and Centermark Development, prospective purchaser, appealed to construct a new discount store on consolidated parcels located in zoning for C2 General Retail Business and B1 Two-Family Districts.

The following appeals were **DENIED:**

**Calendar No. 12-206:** 732 East 127th Street

Al Kriss appealed to change use from a two family residence to a residence for three families in a B1 Two-Family District.

**Calendar No. 12-212:** Violation Notice 4445 State Road

Fred Manson appealed from a decision rendered by the City of Cleveland Parking Violations Bureau, Waste Collection and Photo Safety Division for failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

The following appeal heard by the Board on December 17, 2012 was adopted and approved on December 31, 2012:

The following appeal was **APPROVED:**

**Calendar No. 12-178:** 4268 Bradley Road

Yevtuku Brothers, Inc. appealed to install six (6) foot high chain link fence to enclose a vacant acreage parcel in a C3 Residence Industry District; subject to condition.

Secretary

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

Re: Report of the Meeting of December 19, 2012

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

\* \* \*

#### Docket A-215-12.

RE: Appeal of Cuyahoga County (Juvenile Detention Center), Owner of the Property located on the premises known as 9300 Quincy Avenue from an ADJUDICATION ORDER (proposed alterations to sprinkler system), dated August 23, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the Cuyahoga County Juvenile Detention Center to proceed with their plan of action to block sprinkler heads in two (2) rooms for up to one (1) year to allow for the installation of a viable permanent solution allowing a pre-alarm condition to preclude the release of water that complies with the Building Code, and that the system will be subject to review and must be approved by the City of Cleveland Building Department and the Fire Prevention Bureau. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

\* \* \*

#### Docket A-244-12.

RE: Appeal of Khao Dane Nguyen & Diana Diem Ly, Owners of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 1878 Woodlawn Avenue, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 20, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued; the appeal is DENIED and

the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the Appellants have stated that they do not accept responsibility for the structure. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

\* \* \*

**Docket A-245-12.**

RE: Appeal of Johnnie Benson, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 801 Alhambra Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 9, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until May 1, 2013 in which to complete abatement of the violations in accordance with the rehabilitation plan offered by the Building Department, noting that all permits have been obtained and that good progress is being made; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

\* \* \*

**Docket A-247-12.**

RE: Appeal of Rosetta M. Wyar, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 6803 Hague Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 6, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to clean up the grounds and exterior of the property acceptable to the inspector, thirty (30) days in which to obtain permits and remove the storage located in the interior of the property, and six (6) months in which to restore the exterior of the property and one (1) year in which to complete abatement of all violations and render the property habitable, failure to meet any of these dates, will REMAND the property immediately; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

**Docket A-248-12.**

RE: Appeal of Rosetta M. Wyar, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 6801 Hague Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 6, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal for time to renovate the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-249-12.**

RE: Appeal of Charisse Dawson, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 2684 East 127th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 28, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-249-12 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-250-12.**

RE: Appeal of Sabrina Sutton, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property, located on the premises known as 4309 East 142nd Street, from a NOTICE OF VIOLATION — FIRE DAMAGE, dated September 10, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to settle the insurance claim or not and complete abatement of the violations; the property is to remain boarded, secured and the grounds debris-free during that period of time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-251-12.**

RE: Appeal of Allan E. Bryson, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property

located on the premises known as 13705 Earlwood Road, from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 14, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to obtain permits and sixty (60) days in which to complete abatement of the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-252-12.**

RE: Appeal of John P. Ginley, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 2125 West 93rd Street, from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 11, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

\* \* \*

**Docket A-255-12.**

RE: Appeal of Joyce Harper & Alisha Harper, Owners of the MXD Mixed Uses - Multiple Uses In One Building Two Story Masonry Walls/Wood Floors Property located on the premises known as 2531 East 55th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 1, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellants sixty (60) days in which to obtain permits and six (6) months in which to complete abatement of the violations, the property is to remain boarded and secured and the grounds debris-free during the entire period of rehabilitation; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-317-12.**

RE: Appeal of The Cleveland Public Library, Owner of the Property located on the premises known as 2704 Clark Avenue from an ADJUDICATION ORDER (CPL Temporary Branch), dated December 04, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the code requirement and permit a separate unisex toilet for the public and a separate unisex toilet for the staff; and that the public variance is valid for up to three (3) years from today's date. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**AMENDED RESOLUTIONS:**

**Docket A-227-12.**

Gary Palmer - 4090 East 67th Street:

FROM:..to DENY the Appellant's appeal request for additional time, noting the history of the property and the lack of appearance at the hearing by the Appellant, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action....

TO:..to grant the Appellant thirty (30) days in which to submit a plan and obtain permits and six (6) months in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab....

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

\* \* \*

**Docket A-228-12.**

Danny Williams - 9424 Holton & Ambler Avenue:

FROM:..to DENY the Appellant's appeal request for additional time, noting that no work has been done and the Appellant was not present for the hearing, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action....

TO:..to grant the Appellant two (2) weeks in which to obtain permits and six (6) months in which to complete abatement of the violations in accordance with the Codified Ordinances of the City of Cleve-

land; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley....

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-189-12 — Quest Property Mgmt. & Consulting
- A-195-12 — Entrust Arizona LLC
- A-209-12 — James Abrams Jr.
- A-210-12 — Paul G. Glenn II
- A-217-12 — Darlene Cooper Cammon
- A-227-12 — Gary Palmer
- A-228-12 — Danny Williams
- A-231-12 — Tyree J. Penman
- A-232-12 — Emperial Properties, LLC
- A-233-12 — Craig & Gloria Gates
- A-234-12 — 1976 W. 44th LLC
- A-235-12 — Robert Palmentera
- A-236-12 — Rita Brooks & Melvin Brooks
- A-246-12 — Donald Thompson
- A-277-12 — Frank Beckloff
- A-293-12 — Steelyard Commons, LLC
- A-305-12 — Walnut Realty Holding Co., LLC
- A-308-12 — Jacobs Entertainment

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

\* \* \*

**APPROVAL OF MINUTES:**

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

December 5, 2012

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

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**WEDNESDAY, JANUARY 16, 2013**

**File No. 168-12 — Ready Mix Concrete,** for the Various Divisions of City Government, Department of Public Works, as authorized by Ordinance No. 1245-12, passed by the Council of the City of Cleveland, September 24, 2012.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, JANUARY 8, 2013 AT 11:00 A.M. LOCATED AT CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

December 19, 2012 and December 26, 2012 and January 2, 2013

**WEDNESDAY, JANUARY 30, 2013**

**File No. 169-12 — East Side Maintenance Facility, Phase I Site Improvements,** for the Division of Architecture and Site Develop-

ment, Department of Public Works, as authorized by Ordinance No. 453-11 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 FRIDAY, JANUARY 4, 2013 AT 11:00 A.M. LOCATED AT CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**  
 December 19, 2012 and December 26, 2012 and January 2, 2013

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**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

**Board of Building Standards and Building Appeals**

Alhambra Road, 801, (Ward 11) — Johnnie Benson, owner — appeal resolved on 12/19/12 (Doc. A-245-12) ..... 5

Bellevue Avenue, 7919, (Ward 7) — Quest Property Management & Consulting, LLC, owner — appeal adopted on 12/19/12 (Doc. A-189-12) ..... 6

Clark Avenue, 2704, (Ward 14) — Cleveland Public Library, owner — appeal resolved on 12/19/12 (Doc. A-317-12)..... 6

Earlwood Road, 13705, (Ward 10) — Allan E. Bryson, owner — appeal resolved on 12/19/12 (Doc. A-251-12) ..... 5

East 116th Street, 3022, (Ward 4) — Emperial Properties, LLC, owner — appeal adopted on 12/19/12 (Doc. A-232-12) ..... 6

East 125th Street, 1076, (Ward 9) — Paul G. Glenn, II, owner — appeal adopted on 12/19/12 (Doc. A-210-12) ..... 6

East 127th Street, 2684, (Ward 6) — Charisse Dawson, owner — appeal withdrawn on 12/19/12 (Doc. A-249-12) ..... 5

East 142nd Street, 4309, (Ward 1) — Sabrina Sutton, owner — appeal resolved on 12/19/12 (Doc. A-250-12) ..... 5

East 46th Street, 3621, (Ward 12) — Donald Thompson, owner — appeal adopted on 12/19/12 (Doc. A-246-12) ..... 6

East 55th Street, 2531, (Ward 5) — Joyce Harper and Alisha Harper, owners — appeal resolved on 12/19/12 (Doc. A-255-12)..... 5

East 67th Street, 4090, (Ward 12) — Gary Palmer, owner — appeal amended and adopted on 12/19/12 (Doc. A-227-12) ..... 6

East 74th Street, 4092, (Ward 12) — Rita Brooks and Melvin Brooks, owners — appeal adopted on 12/19/12 (Doc. A-236-12) ..... 6

East 9th Street, 1801, (Ward 3) — Walnut Realty Holding Co., LLC, owner — appeal adopted on 12/19/12 (Doc. A-305-12)..... 6

Eddy Road, 870, (Ward 10) — Entrust Arizona, LLC, fbo Thomas Thatcher, owner — appeal adopted on 12/19/12 (Doc. A-195-12) ..... 6

Grayton Street, 4609, (Ward 19) — Frank Beckloff, owner — appeal adopted on 12/19/12 (Doc. A-277-12) ..... 6

Hague Avenue, 6801, (Ward 15) — Rosetta M. Wyar, owner — appeal resolved on 12/19/12 (Doc. A-248-12) ..... 5

Hague Avenue, 6803, (Ward 15) — Rosetta M. Wyar, owner — appeal resolved on 12/19/12 (Doc. A-247-12) ..... 5

Holton Avenue, 9424, (Ward 4) — Danny Williams, owner — appeal amended and adopted on 12/19/12 (Doc. A-228-12)..... 6

Lakeview Road, 1411, (Ward 9) — James Abrams, Jr., owner — appeal adopted on 12/19/12 (Doc. A-209-12) ..... 6

Main Avenue, 1219, (Ward 3) — Jacobs Entertainment, owner — appeal adopted on 12/19/12 (Doc. A-308-12) ..... 6

Manor Avenue, 10206, (Ward 4) — Tyree J. Penman, owner — appeal adopted on 12/19/12 (Doc. A-231-12) ..... 6

North Boulevard, 10019-21, (Ward 8) — Craig and Gloria Gates, owners — appeal adopted on 12/19/12 (Doc. A-233-12) ..... 6

Polonia Avenue, 6918, (Ward 12) — Robert Palmentera, owner — appeal adopted on 12/19/12 (Doc. A-235-12) ..... 6

Quincy Avenue, 9300, (Ward 6) — Cuyahoga County (Juvenile Detention Center), owner — appeal resolved on 12/19/12 (Doc. A-215-12) ..... 4

Steelyard Drive, 3591, (Ward 3) — Steelyard Commons, LLC (Police Comfort Station), owner — appeal adopted on 12/19/12 (Doc. A-293-12) ..... 6

Train Street, 1730, (Ward 3) — Scranton-Averell, Inc., owner — appeal adopted on 12/19/12 (Doc. A-217-12) ..... 6

West 44th Street, 1976, (Ward 3) — 1976 W. 44th LLC, owner — appeal adopted on 12/19/12 (Doc. A-234-12) .....	6
West 93rd Street, 2125, (Ward 16) — John P. Ginley, owner — appeal resolved on 12/19/12 (Doc. A-252-12) .....	5
Woodlawn Avenue, 1878, (Ward 9) — Khao Dane Nguyen and Diana Diem Ly, owners — appeal resolved on 12/19/12 (Doc. A-244-12) .....	4

**Board of Zoning Appeals — Report**

Bradley Road, 4268, (Ward 12) — Yevtuku Brothers, Inc., owner — appeal granted and adopted on 12/31/12 (Cal. 12-178) .....	4
Broadway Avenue, 6107, (Ward 12) — Slavic Village Development Corporation, owner and Centermark Development — appeal heard on 12/31/12 (Cal. 12-217).....	4
East 127th Street, 732, (Ward 10) — Al Kriss, owner — appeal heard on 12/31/12 (Cal. 12-206) .....	4
East 131st Street, 3552, (Ward 4) — Cleveland Metropolitan School District, owner and City of Cleveland, prospective purchaser — appeal heard on 12/31/12 (Cal. 12-208).....	4
State Road, 4445, (Ward 13) — Fred Manson, owner — appeal heard on 12/31/12 (Cal. 12-212) .....	4

**Board of Zoning Appeals — Schedule**

Brooklyn Avenue, 4019-21, (Ward 13) — Diane Stiver, owner — appeal to be heard on 1/14/13 (Cal. 12-221).....	4
Ivanhoe Road, 1170, (Ward 10) — 1170 Ivanhoe LLC, owner and JJAK Mulch Services, LLC, John Hirko, prospective tenant — appeal to be heard on 1/14/13 (Cal. 12-220) .....	4
Pearl Road, 4455, (Ward 13) — Matthew Fuchs, owner — appeal to be heard on 1/14/13 (Cal. 12-207).....	3
St. Clair Avenue, 5401, (Ward 8) — Raj Patel, owner — appeal to be heard on 1/14/13 (Cal. 12-218).....	4

**City of Cleveland Bids**

Concrete, ready mix — Department of Public Works — per Ord. 1245-12 — bid due January 16,2013 (advertised 12/19/2012 and 12/26/2012 and 1/2/2013) .....	6
East Side Maintenance Facility, Phase I site improvements — Department of Public Works — per Ord. 453-11 — bid due January 30, 2013 (advertised 12/19/2012 and 12/26/2012 and 1/2/2013) .....	6