

# The City Record

Official Publication of the Council of the City of Cleveland



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February the Twelfth, Two Thousand and Fourteen

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**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](http://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  
 Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development  
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
 Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability  
 Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

### OFFICE OF CAPITAL PROJECTS – 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

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

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

Frank Badalamenti, Manager, Internal Audit  
 DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### OFFICES:

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

#### DIVISIONS:

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street  
 Correction – Robert Taskay, 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 – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

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

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

**COMMUNITY RELATIONS BOARD** – Room 11, Blaine Griffin, Director, Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer),

Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Ted C. Wammes, Peter 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 \_\_\_\_\_; Betsy Hruby, Asst. Sec’y.; Sharon Dumas, Director.

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

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

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

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

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

**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 \_\_\_\_\_; Councilman Kevin Kelley.

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

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

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

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

### Judge Courtroom

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 101

WEDNESDAY, FEBRUARY 12, 2014

No. 5227

## CITY COUNCIL

MONDAY, FEBRUARY 10, 2014

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 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

Cleveland, Ohio  
Monday, February 10, 2014

The meeting of the Council was called to order with the President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Dona Brady, Anthony Brancatelli, Joe Cimperman, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, T.J. Dow, Jeffrey D. Johnson, Kenneth L. Johnson, Martin J. Keane, Kevin J. Kelley, Mamie J. Mitchell, Michael D. Polensek, Terrell H. Pruitt, Martin J. Sweeney and Matthew Zone.

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief Operating Officer Darrell Brown, Chief of Communications Maureen Harper, Chief of Sustainability Jenita McGowan, and Directors Langhenry, Dumas, Bender, Smith, Spronz, Butler, McGrath, Cox, Rush, Rybka, Southerington, Nichols, Griffin, Brown, Fumich, and Ambroz.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Imam Abbas Ahmad, The First Cleveland Mosque, Cleveland, Ohio (Ward 4). Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATION

**File No. 202-14.**  
From Linda McHugh, Executive Administrator and Assistant Secretary, The Cleveland Clinic Foundation. Notice of Operations for 2013 of facilities and operations located in the City of Cleveland, pursuant to Chapter 686 of the Codified Ordinances. Received.

### STATEMENT OF WORK ACCEPTANCE

**File No. 208-14.**  
From Department of Public Utilities, City of Cleveland, for Morgan Chemical Facilities Project #119. Contractor: Shook, Inc. Contract: PI2010\*008. Date of Acceptance: April 30, 2012. Received.

**File No. 209-14.**  
From Department of Public Utilities, City of Cleveland, for Suburban Water Mains — City of Euclid Main Replacement on E.252 and E.276. Contractor: Monte Construction. Contract: PT2010-53. Date of Acceptance: June 21, 2011. Received.

### FROM OHIO DIVISION OF LIQUOR CONTROL

**File No. 203-14.**  
RE: #72040040005. Transfer of Location Application, C2 C2X. Rauh Rahman, 4096 East 131st Street. (Ward 2). Received.

**File No. 204-14.**  
RE: #4153951. Transfer of Location Application, D1 D3 D3A D6. Iron City Café, LLC, dba Iron City Café, 4002 Jennings Road. (Ward 12). Received.

**File No. 205-14.**  
RE: #7979490. Economic Development Transfer Application, D5. Senor Tequilas Mexican Grill, 13114 Shaker Square (Ward 4). Received.

**File No. 206-14.**  
RE: #2600110. New License Application, D3A. FSS Investors, LLC, dba The Camino, 1300 West 9th Street. (Ward 3). Received.

**File No. 207-14.**  
RE: #2600110. Economic Development Transfer Application, D2 D2X D3. FSS Investors, LLC, dba The Camino, 1300 West 9th Street. (Ward 3). Received.

### CONDOLENCE RESOLUTIONS

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

- Res. No. 220-14**—Del Donahoo.
- Res. No. 221-14**—Flocie Lorene Goard.
- Res. No. 222-14**—Geraldine Bennett.
- Res. No. 223-14**—Henry B. "Bud" Ungar.
- Res. No. 224-14**—Dr. Lawrence W. Brisker.
- Res. No. 239-14**—Lillie Bell.

**CONGRATULATIONS RESOLUTIONS**

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

- Res. No. 225-14**—Dr. Roland H. Crowder.
- Res. No. 226-14**—Patrol Officer Thomas Lucey.
- Res. No. 227-14**—Lithuania's Independence — 96th Anniversary.
- Res. No. 228-14**—Barbara O'Brien Brown.
- Res. No. 229-14**—Margaret Pigott Flynn.
- Res. No. 230-14**—Jeanne M. Colleran.
- Res. No. 231-14**—Jack Kahl.
- Res. No. 232-14**—Martin J. Sweeney.
- Res. No. 233-14**—Andrew Dever, Grand Marshal 2014 Cleveland's Saint Patrick's Day Parade.
- Res. No. 234-14**—Bridie Joyce, 2014 Irish Mother of the Year.
- Res. No. 235-14**—John F. O'Brien, Jr., Inside Co-Chair 2014 Cleveland's Saint Patrick's Day Parade.
- Res. No. 236-14**—Mark Owens, Outside Co-Chair 2014 Cleveland's Saint Patrick's Day Parade.
- Res. No. 237-14**—Joseph A. Lecznar, 2014 "Good Joe" Award

**RECOGNITION RESOLUTION**

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

- Res. No. 238-14**—Confucius Institute at Cleveland State University — "China Welcomes Spring".

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 189-14.**  
**By Council Members Pruitt and Kelley (by departmental request).**

**An emergency ordinance to amend Section 129.294 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 892-12, passed August 8, 2012, relating to professional services for the Department of Public Utilities.**

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

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

**Section 1.** That Section 129.294 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 892-12, passed August 8, 2012, is amended to read as follows:

**Section 129.294 Professional Services for General Engineering, Architectural, Environmental, Geotechnical Engineering, and Other Services**

(a) That the Director of Public Utilities is authorized to employ by contract one (1) or more consultants or one (1) or more firms of consultants to provide professional services for general engineering, architectural, environmental, geotechnical engineering services necessary for environmental, safety, sustainability and regulatory compliance for the various divisions of the Department of Public Utilities regarding its operations, new projects, work continuity, preventive maintenance, facility management, and utility administration in accordance with federal and state regulations. The services may

include, but are not limited to, engineering design and construction services, construction inspection and testing, geotechnical investigation, testing analysis, environmental assessment, surveying, water quality services, and sewer investigations and other related work.

(b) The selection of the consultants or firms of consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants or firms of consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to 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 Public Utilities, and certified by the Director of Finance.

(c) The costs for the contracts shall be paid from funds appropriated for the Department of Public Utilities for this purpose.

**Section 2.** That existing Section 129.294 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 892-12, passed August 8, 2012, is repealed.

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

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

**Ord. No. 190-14.**

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

**An emergency ordinance to amend Sections 34 and 39 of Ordinance No. 1689-11, passed November 28, 2011, as amended, relating to compensation for various classifications.**

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

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

**Section 1.** That Section 34 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 753-12, passed June 4, 2012 and Ordinance No. 1045-12, passed August 8, 2012, is amended to read as follows:

**Section 34.** That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Aging Services Administrator.....	\$27,325.56	\$87,664.94
2. Air Pollution Control, Engineer IV.....	20,800.00	63,135.10
3. Airport Safety Shift Commander.....	20,800.00	71,750.00
4. Assistant Administrator.....	20,800.00	56,847.22
5. Assistant Aging Services Administrator.....	20,800.00	62,252.71
6. Assistant Manager of Marketing.....	20,800.00	56,847.22
7. Assistant Security Manager.....	20,800.00	58,837.68
8. Central Payroll Supervisor.....	20,800.00	56,847.22
9. Chief Building Inspector.....	20,800.00	68,000.00
10. Chief Electrical Inspector.....	20,800.00	68,000.00
11. Chief Elevator Inspector.....	20,800.00	68,000.00
12. Chief Heating Inspector.....	20,800.00	68,000.00
13. Chief Rehabilitation Supervisor.....	20,800.00	71,750.00
14. <b>Chore Services Coordinator.....</b>	<b>20,800.00</b>	<b>52,000.00</b>
15. Contract Supervisor - Division of Purchases and Supplies.....	20,800.00	62,836.42
16. Data Processing Supervisor.....	20,800.00	58,115.49
17. Manager of Public Utilities - Building Maintenance....	20,800.00	56,847.22
18. Senior Systems Analyst.....	20,800.00	41,170.98
19. Shift Supervisor Operations.....	20,800.00	56,847.22
20. Superintendent of Distribution.....	20,800.00	71,750.00

<b>21.</b>	Superintendent of Purchase Power.....	27,325.56	92,700.00
<b>22.</b>	Supervising Tax Auditor .....	20,800.00	56,847.22
<b>23.</b>	Supervisor of Civil Service Records.....	20,800.00	56,847.22

**Section 2.** That existing Section 34 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 753-12, passed June 4, 2012 and Ordinance No. 1045-12, passed August 8, 2012, is repealed.

**Section 3.** That Section 39 of Ordinance No. 1689-11, passed November 28, 2011, is amended to read as follows:

**Section 39.** That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Administrator of Engineering and Planning.....	\$30,214.95	\$112,526.46
2. Airport Chief Engineer.....	30,214.95	112,526.46
3. Assistant City Comptroller.....	41,312.22	113,643.18
4. Airport Planning Environmental Officer.....	30,214.95	89,155.89
5. Air Trade Development Manager.....	30,214.95	103,869.21
6. Assistant Director of Human Resources and Economic Development.....	30,214.95	112,526.46
7. Budget Administrator.....	30,214.95	103,869.21
8. Comptroller-Airports.....	30,214.95	112,526.46
9. Data Base Analyst.....	30,214.95	89,155.89
10. Deputy Commissioner of Cleveland Hopkins International Airport.....	30,214.95	103,869.21
11. Deputy Commissioner of Parks, Maintenance and Properties.....	30,214.95	103,869.21
12. Deputy Commissioner of Water.....	30,214.95	129,713.92
13. Deputy Commissioner of Water Pollution Control.....	30,214.95	103,869.21
14. Environmental Programs Manager.....	45,000.00	87,241.22
15. Executive Commissioner of Public Safety - Operations.....	36,590.39	142,340.94
16. Executive Commissioner of Public Safety - Projects, Grants and Technology.....	36,590.39	142,340.94
17. Field Manager.....	35,000.00	59,441.72
18. Fleet Management Data Manager.....	30,000.00	66,777.20
19. GIS/IS Coordinator.....	52,000.00	93,818.87
20. In-Charge Senior Internal Auditor.....	49,500.00	84,370.33
21. Labor Relations Manager.....	30,214.95	112,526.46
22. Manager of Marketing.....	30,214.95	103,869.21
23. Manager of Telecommunications.....	30,214.95	103,869.21
24. Nurse Practitioner.....	30,214.95	103,869.21
25. Permit Review Manager.....	30,214.95	103,869.21
26. Project Leader/Applications.....	45,000.00	91,832.86
27. Safety Programs Manager.....	30,214.95	89,155.89
28. <b>Section Chief - Architecture &amp; Site Development.....</b>	<b>40,000.00</b>	<b>97,819.83</b>
29. Section Chief - Engineering & Construction.....	50,000.00	97,819.83
30. Software Analyst.....	45,000.00	87,241.22
31. Superintendent of Electric Transmission and Distribution.....	50,000.00	99,337.75
32. Supervisor of Computer Operations.....	30,214.95	89,155.89
33. Supervisor Hardware Evaluation.....	30,214.95	89,155.89
34. Veterinarian in Charge of Spay and Neuter Clinic.....	30,214.95	89,155.89

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

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

**Ord. No. 191-14.  
By Council Members K. Johnson,  
Brancatelli and Kelley (by departmental request).**

**An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for the resurfacing of Biddulph Road from the Cleveland west corporation line to Pearl Road; authorizing the Director of Capital Projects to enter into any relative agreements; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.**

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. Consent.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: resurfacing of Biddulph Road from the Cleveland west corporation line to Pearl Road, County Project ID No. 1134 (the "Improvement").

**Section 2. Cooperation**

(a) That the City will cooperate with the County in the Improvement.

(b) That the County will arrange for the preparation of construction plans and specifications, including

necessary engineering reports for the improvements under current County standards for construction of County roads and bridges.

(c) That the County will arrange for the supervision and administration of the construction project.

**Section 3. Funding**

(a) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project; and by applying to the County to use the License Tax Funds for the Improvement.

(b) That if funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of the funds shall be applied

to the County's share of the costs specified in this ordinance.

(c) That the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County not eligible or made necessary by the Improvement.

**Section 4. Maintenance.** That upon completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code; and

(d) After construction of the Improvement is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

**Section 5. Traffic.** That on completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

(b) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A) (6) of Section 4511.07 of the Revised Code;

(c) That, if applicable, stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the above-mentioned Manual are met;

(d) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded; and

(e) The City shall regulate parking in the following manner: Prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

**Section 6. Right-of-Way**

(a) That all existing street and public right-of-way within the City which is necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the

Improvement the City will arrange for the acquisition.

**Section 7. Utilities**

(a) That the City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary rearrangements immediately after notification by the City.

(b) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(c) That it is agreed that the City shall, at its own expense, make all rearrangements of water mains, service, lines, fire hydrants, valve boxes, sanitary sewers, or other city-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement.

(d) That the construction, reconstruction, and/or rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

**Section 8. Miscellaneous**

(a) That if the County is formally requested by ordinance of this Council to include the construction of sanitary sewers, water lines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the County will do so, provided that the construction meets with the approval of the County and the City involved in this Improvement; and that the City agrees to pay, or make arrangements for the payment of the cost of the construction. The cost of preliminary and design engineering, and construction supervision.

(b) For purposes of this ordinance, the agent for the County and liaison officer shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

(c) That, under the provisions of Chapters 304 and 1306 of the Revised, code, the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature

was manually affixed to a paper version of the document.

**Section 9.** That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

**Section 10.** That the Director of Capital Projects is authorized to enter into agreements with the County necessary to complete the Improvement.

**Section 11.** That this Council requests the County to proceed with the Improvement.

**Section 12.** That the Clerk of Council is directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect.

**Section 13.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Property, Development, Planning and Sustainability, Finance.

**Ord. No. 192-14.**

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

**An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for the resurfacing of Huron Road from Prospect Avenue to Euclid Avenue; authorizing the Director of Capital Projects to enter into any relative agreements; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.**

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. Consent.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: Huron Road from Prospect Avenue to Euclid Avenue, County Project ID No. 1127 (the "Improvement").

**Section 2. Cooperation**

(a) That the City will cooperate with the County in the Improvement.

(b) That the County will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the improvements under current County standards for construction of County roads and bridges.

(c) That the County will arrange for the supervision and administration of the construction project.

**Section 3. Funding**

(a) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project; and by applying to the County to use the License Tax Funds for the Improvement.

(b) That if funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of the funds shall be applied to the County's share of the costs specified in this ordinance.

(c) That the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County not eligible or made necessary by the Improvement.

**Section 4. Maintenance.** That upon completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code; and

(d) After construction of the Improvement is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

**Section 5. Traffic.** That on completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

(b) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A) (6) of Section 4511.07 of the Revised Code;

(c) That, if applicable, stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the above-mentioned Manual are met;

(d) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded; and

(e) The City shall regulate parking in the following manner: Prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

**Section 6. Right-of-Way**

(a) That all existing street and public right-of-way within the City

which is necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the City will arrange for the acquisition.

**Section 7. Utilities**

(a) That the City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary rearrangements immediately after notification by the City.

(b) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(c) That it is agreed that the City shall, at its own expense, make all rearrangements of water mains, service, lines, fire hydrants, valve boxes, sanitary sewers, or other city-owned utilities and/or appurtenances there-to which do not comply with the Provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement.

(d) That the construction, reconstruction, and/or rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

**Section 8. Miscellaneous**

(a) That if the County is formally requested by ordinance of this Council to include the construction of sanitary sewers, water lines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the County will do so, provided that the construction meets with the approval of the County and the City involved in this Improvement; and that the City agrees to pay, or make arrangements for the payment of the cost of the construction. The cost of preliminary and design engineering, and construction supervision.

(b) For purposes of this ordinance, the agent for the County and liaison officer shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

(c) That, under the provisions of Chapters 304 and 1306 of the Revised, code, the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed

by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document.

**Section 9.** That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

**Section 10.** That the Director of Capital Projects is authorized to enter into agreements with the County necessary to complete the Improvement.

**Section 11.** That this Council requests the County to proceed with the Improvement.

**Section 12.** That the Clerk of Council is directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect.

**Section 13.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Property, Development, Planning and Sustainability, Finance.

**Ord. No. 193-14.**

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

**An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for the resurfacing of Munn Road from Rocky River Drive to Warren Road; authorizing the Director of Capital Projects to enter into any relative agreements; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.**

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. Consent.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: resurfacing of Munn Road from Rocky River Drive to Warren Road, County Project ID No. 1135 (the "Improvement").

**Section 2. Cooperation**

(a) That the City will cooperate with the County in the Improvement.

(b) That the County will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the improvements under current County standards for construction of County roads and bridges.

(c) That the County will arrange for the supervision and administration of the construction project.

**Section 3. Funding**

(a) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License

Tax Fund to pay the County portion of the project; and by applying to the County to use the License Tax Funds for the Improvement.

(b) That if funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of the funds shall be applied to the County's share of the costs specified in this ordinance.

(c) That the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County not eligible or made necessary by the Improvement.

**Section 4. Maintenance.** That upon completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code; and

(d) After construction of the Improvement is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

**Section 5. Traffic.** That on completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

(b) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A) (6) of Section 4511.07 of the Revised Code;

(c) That, if applicable, stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the above-mentioned Manual are met;

(d) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded; and

(e) The City shall regulate parking in the following manner: Prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

**Section 6. Right-of-Way**

(a) That all existing street and public right-of-way within the City which is necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the City will arrange for the acquisition.

**Section 7. Utilities**

(a) That the City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary rearrangements immediately after notification by the City.

(b) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(c) That it is agreed that the City shall, at its own expense, make all rearrangements of water mains, service, lines, fire hydrants, valve boxes, sanitary sewers, or other city-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement.

(d) That the construction, reconstruction, and/or rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

**Section 8. Miscellaneous**

(a) That if the County is formally requested by ordinance of this Council to include the construction of sanitary sewers, water lines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the County will do so, provided that the construction meets with the approval of the County and the City involved in this Improvement; and that the City agrees to pay, or make arrangements for the payment of the cost of the construction. The cost of preliminary and design engineering, and construction supervision.

(b) For purposes of this ordinance, the agent for the County and liaison officer shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

(c) That, under the provisions of Chapters 304 and 1306 of the Revised Code, the City agrees to conduct this

transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document.

**Section 9.** That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

**Section 10.** That the Director of Capital Projects is authorized to enter into agreements with the County necessary to complete the Improvement.

**Section 11.** That this Council requests the County to proceed with the Improvement.

**Section 12.** That the Clerk of Council is directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect.

**Section 13.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Property, Development, Planning and Sustainability, Finance.

**Ord. No. 194-14.**

**By Council Members Cimperman, Cummins, Zone, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for the resurfacing of West 73rd Street from Denison Avenue to Lorain Road; authorizing the Director of Capital Projects to enter into any relative agreements; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.**

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. Consent.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: resurfacing of West 73rd Street from Denison Avenue to Lorain Road, County Project ID No. 1133 (the "Improvement").

**Section 2. Cooperation**

(a) That the City will cooperate with the County in the Improvement.

(b) That the County will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the improvements under current County standards for construction of County roads and bridges.

(c) That the County will arrange for the supervision and administration of the construction project.



**Section 3. Funding**

(a) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project; and by applying to the County to use the License Tax Funds for the Improvement.

(b) That if funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of the funds shall be applied to the County's share of the costs specified in this ordinance.

(c) That the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County not eligible or made necessary by the Improvement.

**Section 4. Maintenance.** That upon completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code; and

(d) After construction of the Improvement is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

**Section 5. Traffic.** That on completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

(b) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A)(6) of Section 4511.07 of the Revised Code;

(c) That, if applicable, stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the above-mentioned Manual are met;

(d) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded; and

(e) The City shall regulate parking in the following manner: Prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

**Section 6. Right-of-Way**

(a) That all existing street and public right-of-way within the City which is necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the City will arrange for the acquisition.

**Section 7. Utilities**

(a) That the City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary rearrangements immediately after notification by the City.

(b) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(c) That it is agreed that the City shall, at its own expense, make all rearrangements of water mains, service, lines, fire hydrants, valve boxes, sanitary sewers, or other city-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement.

(d) That the construction, reconstruction, and/or rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

**Section 8. Miscellaneous**

(a) That if the County is formally requested by ordinance of this Council to include the construction of sanitary sewers, water lines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the County will do so, provided that the construction meets with the approval of the County and the City involved in this Improvement; and that the City agrees to pay, or make arrangements for the payment of the cost of the construction. The cost of preliminary and design engineering, and construction supervision.

(b) For purposes of this ordinance, the agent for the County and liaison officer shall be the County Engineer

of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

(c) That, under the provisions of Chapters 304 and 1306 of the Revised, code, the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document.

**Section 9.** That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

**Section 10.** That the Director of Capital Projects is authorized to enter into agreements with the County necessary to complete the Improvement.

**Section 11.** That this Council requests the County to proceed with the Improvement.

**Section 12.** That the Clerk of Council is directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect.

**Section 13.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Property, Development, Planning and Sustainability, Finance.

**Ord. No. 195-14.**

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

**An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for the resurfacing of Woodhill Road from Quincy Avenue to Kinsman Road; authorizing the Director of Capital Projects to enter into any relative agreements; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.**

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. Consent.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: resurfacing of Woodhill Road from Quincy Avenue to Kinsman Road, County Project ID No. 1131 (the "Improvement").

**Section 2. Cooperation**

(a) That the City will cooperate with the County in the Improvement.

(b) That the County will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the improvements under current County

standards for construction of County roads and bridges.

(c) That the County will arrange for the supervision and administration of the construction project.

**Section 3. Funding**

(a) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project; and by applying to the County to use the License Tax Funds for the Improvement.

(b) That if funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of the funds shall be applied to the County's share of the costs specified in this ordinance.

(c) That the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County not eligible or made necessary by the Improvement.

**Section 4. Maintenance.** That upon completion of the Improvement, the City will keep the highway open to traffic at all times; and (a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code; and

(d) After construction of the Improvement is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

**Section 5. Traffic.** That on completion of the Improvement, the City will keep the highway open to traffic at all times; and (a) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

(b) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A) (6) of Section 4511.07 of the Revised Code;

(c) That, if applicable, stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the above-mentioned Manual are met;

(d) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public high-

way. Any existing rule or regulation so restricting road usage is rescinded; and

(e) The City shall regulate parking in the following manner: Prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

**Section 6. Right-of-Way**

(a) That all existing street and public right-of-way within the City which is necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the City will arrange for the acquisition.

**Section 7. Utilities**

(a) That the City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary rearrangements immediately after notification by the City.

(b) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(c) That it is agreed that the City shall, at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other city-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement.

(d) That the construction, reconstruction, and/or rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

**Section 8. Miscellaneous**

(a) That if the County is formally requested by ordinance of this Council to include the construction of sanitary sewers, water lines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the County will do so, provided that the construction meets with the approval of the County and the City involved in this Improvement; and that the City agrees to pay, or make arrangements for the payment of the cost of the construction. The cost of preliminary and design engineering, and construction supervision.

(b) For purposes of this ordinance, the agent for the County and liaison officer shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

(c) That, under the provisions of Chapters 304 and 1306 of the Revised, code, the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document.

**Section 9.** That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

**Section 10.** That the Director of Capital Projects is authorized to enter into agreements with the County necessary to complete the Improvement.

**Section 11.** That this Council requests the County to proceed with the Improvement.

**Section 12.** That the Clerk of Council is directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect. Section 13. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Property, Development, Planning and Sustainability, Finance.

**Ord. No. 196-14.**

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

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with Cleveland Housing Network to administer energy, water, and sewer conservation services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to enter into one or more agreements with Cleveland Housing Network to administer energy, water, and sewer conservation services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities.

**Section 2.** That the cost of the agreement or agreements authorized shall not exceed \$967,500 and shall be paid

from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002, RL 2014-1.

**Section 3.** That the agreement or agreements shall be prepared by the Director of Law.

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

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

**Ord. No. 197-14.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into amendments to Contract Nos. 49981 and 49982 with National Terminals LLC, to accept discount prepayments of its UDAG and NDIF loans regarding the development of a housing and retail space in the National Terminal Building, located at West Ninth and Main Avenue.**

Whereas, under Ordinance No. 1455-95, passed September 25, 1995, this Council authorized the Director of Economic Development to enter into UDAG Contract No. 49981 with National Terminals LLC ("National Terminals") in the amount of \$500,000, and NDIF Contract No. 49982 in the amount of \$1,500,000 for the development of a housing and retail space in the National Terminals Building, located at West Ninth and Main Avenue; and

Whereas, National Terminals now desires to sell the property that may not be worth the current debt outstanding on the property; and

Whereas, National Terminals has requested the opportunity to prepay the unpaid balance, currently \$370,276.13 as of December 31, 2013 plus interest on UDAG Contract No. 49981, and the unpaid balance, currently \$1,067,920.49 as of December 31, 2013 plus interest on NDIF Contract No. 49982, and making payment on the loans in an amount between 50% to 100% depending upon the net sales proceeds received by National Terminals upon the sale of their building; and

Whereas, this ordinance allows the Department of Economic Development to use the lump sum repayments for other neighborhood projects in need of financial assistance; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property and welfare, in that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, now therefore

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

**Section 1.** That the Director of Economic Development is authorized to enter into an amendment to the UDAG loan, Contract No. 49981, with National Terminals to accept a discounted prepayment.

**Section 2.** That the Director of Economic Development is authorized to enter into an amendment to the NDIF loan, Contract No. 49982, with National Terminals to accept a discounted prepayment.

**Section 3.** That the Director of Economic Development is authorized to accept on behalf of the City, discounted prepayments from National Terminals on the unpaid balance, currently \$370,276.13 as of December 31, 2013 plus interest on UDAG Contract No. 49981, and the unpaid balance, currently \$1,067,920.49 as of December 31, 2013 plus interest on NDIF Contract No. 49982, and making payment on the loans in an amount between 50% to 100% depending upon the net sales proceeds received by National Terminals upon the sale of their building. Terms and conditions of the discounted prepayments are more fully set forth in the summary placed in File No. 197-14-A.

**Section 4.** That the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the prepayments.

**Section 5.** That the amendments authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions that the director deems necessary to protect and benefit the public interest.

**Section 6.** That the Director of Economic Development is authorized to release any and all collateral taken to secure repayments of the UDAG and NDIF loans referenced in this ordinance and to execute all documents necessary to release the collateral of the loans. Any release of security instruments shall be prepared and approved by the Director of Law.

**Section 7.** That the Director of Economic Development is authorized to deposit the prepayments into Fund No. 17 SF 634 and will be used for other neighborhood projects.

**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.

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

**Ord. No. 198-14.**

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

**An emergency ordinance to vacate a portion of Bachman Court, S.W.**

Whereas, under Resolution No. 839-13, adopted August 14, 2013, this Council declared its intention to vacate a portion of Bachman Court, S.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on January 14, 2014, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Old Brooklyn Township, Lot Number 53, further described as follows:

Beginning at a point in the westerly line of West 36th Street (25.00 feet wide) formerly Bailey Court, 86.25 feet south of the southerly line of Bailey Avenue S.W. (50.00 feet wide) formerly Bailey Street;

Thence westerly parallel with the southerly line of said Bailey Avenue S.W., 163 feet to the easterly line of Averell and Bradford Subdivision recorded in Volume 4, Page 9 of Cuyahoga County map records;

Thence south 16.25 feet along said easterly line of Averell and Bradford Subdivision;

Thence easterly parallel to the said southerly line of Bailey Avenue S.W. 90 feet;

Thence northerly 7.25 feet;

Thence easterly parallel with southerly line of said Bailey Avenue S.W. and distant 9 feet southerly from first described course, 73 feet to the westerly line of said West 36th Street;

Thence northerly along the westerly line of said West 36th Street 9 feet to the place of beginning.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for AT&T, the Illuminating Company (CEI), and an ingress/egress easement for the three (3) abutting properties, bearing parcel numbers 007-07-040, 007-07-041, and 007-07-042.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by AT&T, the Illuminating Company (CEI), and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Property, Development, Planning and Sustainability, Finance.

**Ord. No. 199-14.**  
**By Council Members Cummins, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance to vacate a portion of the 1st Un-named Alley North of Denison Avenue and West of West 48th Street.**

Whereas, under Resolution No. 841-13, adopted August 14, 2013, this Council declared its intention to vacate a portion of the 1st Un-named Alley North of Denison Avenue and West of West 48th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on January 14, 2014, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Original Brooklyn Township Lot No. 46 as shown in the George P. Geib's Allotment, recorded in Volume 30, Page 27 of Cuyahoga County Map Records, further described as follows:

Being all that portion of the 1st un-named alley (10.00 feet wide) north of Denison Avenue S.W. (50.00 feet wide) and west of West 48th Street (50.00 feet wide) extending from the west right of way of said West 48th Street westerly 50.00 feet to its terminus.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Illuminating Company (CEI), and an ingress/egress easement for the three (3) abutting properties bearing parcel numbers 016-22-024, 016-22-082, and 016-22-025.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Illuminating Company (CEI), and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

**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 mem-

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

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Property, Development, Planning and Sustainability, Finance.

**Ord. No. 200-14.**  
**By Council Members Cimperman, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance to vacate a portion of Jefferson Avenue, S.W.**

Whereas, under Resolution No. 838-13, adopted August 14, 2013, this Council declared its intention to vacate a portion of Jefferson Avenue; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on January 14, 2014, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of original Brooklyn Township Lot number 87 and original 100 Acre Lots numbers 268 and 269.

Being all that portion of Jefferson Avenue S.W. (60.00 feet wide) extending from the west right of way of Rockefeller Avenue (66.00 feet wide) westerly to the east dock line of the Cuyahoga River established by City of Cleveland ordinance # 63410-A passed October 01, 1924.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Illuminating Company (CEI) and an easement of full width as described above for ingress/egress to all abutting parcels, including the most northeasterly portion, for Ava Land Corporation.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Illuminating Company (CEI) and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Property, Development, Planning and Sustainability, Finance.

**Ord. No. 201-14.**  
**By Council Members Cimperman, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance to vacate a portion of West 28th Street.**

Whereas, under Resolution No. 371-13, adopted May 20, 2013, this Council declared its intention to vacate a portion of West 28th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on January 14, 2014, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Old Brooklyn Township, Lot Number 61 in the Oak Park Heights Subdivision as shown in volume 80 of maps, page 4 of Cuyahoga County Records, further described as follows:

Being all that portion of West 28th Street (50.00 feet wide) and its turnouts extending 120.00 feet north along its center line from the north right of way of Ralph Avenue S.W. (50.00 feet wide).

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for AT&T and the Illuminating Company (CEI).

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by AT&T, the Illuminating Company (CEI), and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Property, Development, Planning and Sustainability, Finance.

**Ord. No. 219-14.**

**By Council Members Mitchell, Cleveland, Conwell, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance giving consent of the City of Cleveland to the State of Ohio and the County of Cuyahoga for the widening and reconstruction of East 105th Street from Quebec Avenue to Chester Avenue, and construction of new roadway connecting the intersection of IR-490 and East 55th Street to the intersection of East 105th Street and Quebec Avenue; authorizing the Director of Capital Projects to enter into any relative agreements; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.**

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. Consent.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of the Department of Transportation of the State of Ohio ("ODOT") and the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by ODOT and the County: widen and reconstruct East 105th Street (SR-10) from Quebec Avenue to Chester Avenue (US-322), identified as Project CUY-10-21.49 (PID 96832), and construct new roadway connecting the intersection of IR-490 and East 55th Street to the intersection of East 105th Street (SR-10) and Quebec Avenue identified as project Cuy-490/10-2.09/19.28 (PID 96833) (the "Improvement").

**Section 2. Cooperation**

Funding(a) That the City will cooperate with ODOT and the County by assuming and contributing the entire cost and expense of the improvement less the amount of federal, state, and county funds allocated by the Federal Highway Administration, Ohio Department of Transportation and Cuyahoga County for the Improvement.

b) That the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City,

which are determined by ODOT and the County to be not eligible or made necessary by the Improvement.

**Section 3. Funding**

(a) That the City agrees to cooperate with ODOT and the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund; and by applying to the County to use the License Tax Funds for the Improvement.

(b) That if funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of the funds shall be applied to the County's share of the costs specified in this ordinance.

**Section 4. Maintenance.** That upon completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the County Road limits of the Improvement under the applicable sections of the Revised Code; and

(d) After construction of the Improvement is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

**Section 5. Traffic.** That on completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

(b) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A) (6) of Section 4511.07 of the Revised Code;

(c) That, if applicable, stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the above-mentioned Manual are met;

(d) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded; and

(e) The City shall regulate parking in the following manner: Prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

**Section 6. Right-of-Way**

(a) That all existing street and public right-of-way within the City which is necessary for the Improvement shall be made available.

**Section 7. Utilities**

(a) That the City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary rearrangements immediately after notification by the City.

(b) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(c) That it is agreed that the City shall, at its own expense, make all rearrangements of water mains, service, lines, fire hydrants, valve boxes, sanitary sewers, or other city-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement.

(d) That the construction, reconstruction, and/or rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

**Section 8. Miscellaneous**

(a) That if ODOT or the County is formally requested by ordinance of this Council to include the construction of sanitary sewers, water lines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, ODOT or the County will do so, provided that the construction meets with the approval of ODOT and the County and the City involved in this Improvement; and that the City agrees to pay, or make arrangements for the payment of the cost of the construction, cost of preliminary and design engineering, and construction supervision.

(b) For purposes of this ordinance, the agent for the County and liaison officer shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

(c) That, under the provisions of Chapters 304 and 1306 of the Revised, code, the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed

by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document.

**Section 9.** That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

**Section 10.** That the Director of Capital Projects is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes set forth above.

**Section 11.** That the Director of Capital Projects is authorized to enter into agreements with ODOT and the County necessary to complete the Improvement.

**Section 12.** That this Council requests ODOT to proceed with the Improvement.

**Section 13.** That the Clerk of Council is directed to transmit to ODOT and the County three (3) certified copies of this ordinance immediately on its taking effect.

**Section 14.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Property, Development, Planning and Sustainability, Finance.

#### FIRST READING ORDINANCE REFERRED

**Ord. No. 210-14.**

**By Council Member Cimperman.**

**An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new sections 336A.01 to 336A.08, relating to creating Urban Agriculture Overlay Districts.**

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 336A.01, 336A.02, 336A.03, 336A.04, 336A.05, 336A.06, 336A.07, and 336A.08 to read as follows:

#### CHAPTER 336A URBAN AGRICULTURE OVERLAY (UAO) DISTRICT

##### **Section 336A.01 Purpose**

The "Urban Agriculture Overlay (UAO) District" is established for the following principal purposes:

- (a) to provide appropriately located and sized land for urban agriculture use;
- (b) to facilitate local food production and improve community health;
- (c) to provide local opportunities for agriculture-based entrepreneurship and employment;
- (d) to enhance the environment and improve stormwater management;
- (e) to ensure safe and sanitary conditions for urban agriculture uses;

(f) to protect nearby residential areas from any adverse impacts of agricultural use; and

(g) to ensure that land best suited for non-agricultural use remains available for such use.

##### **Section 336A.02 Mapping and Applicability**

(a) *Mapping.* The UAO District shall be mapped on the Zoning Map as an overlay district in areas where it has been determined that urban agriculture is an appropriate use of the land. The minimum size of a UAO District, composed of a single parcel or multiple contiguous parcels, shall be one (1) acre (43,560 square feet).

(b) *Applicability.* The regulations of the underlying district shall govern except where in conflict with any regulation of the UAO District, in which case the regulation of the UAO District shall govern.

(c) *Land Use Analysis.* To assist the City Planning Commission and City Council in determining whether urban agriculture is an appropriate use of particular properties, the City Planning Commission staff, in consultation with the Director of Public Health, shall prepare or cause to be prepared a land use analysis that evaluates the suitability of particular properties for urban agriculture and non-agricultural uses. This analysis shall be presented to the City Planning Commission and City Council prior to a decision on designating land as a UAO District.

##### **Section 336A.02 Definitions**

(a) "Community Garden," "Market Garden," "Greenhouse," "Hoophouse," and "Coldframe" are as defined in Section 336.02.

(b) "Farm Animals," "Predatory Birds," "Similar Animals," "Coops and Cages," and "Enclosures" are as defined in Division 347.02(1).

(c) "Subject Property," for purposes of this Chapter, means a parcel of land or two or more adjacent parcels of land in agricultural use.

(d) "Urban Farm" means a parcel of land or multiple contiguous parcels of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit.

##### **Section 336A.03 Permitted Principal Uses**

In addition to the principal or main uses permitted in the underlying zoning district, urban farms, market gardens and community gardens shall be permitted in a UAO District.

##### **Section 336A.04 Permitted Accessory Uses**

In addition to the accessory uses permitted in the underlying zoning district, the following accessory uses shall be permitted in a UAO District:

- (a) greenhouses, hoophouses, coldframes, and similar structures used to extend the growing season;
- (b) benches, bike racks, raised/accessible planting beds, composting, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives, and children's play areas;
- (c) buildings, limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses, in conformance with the regulations of Section 336A.05;

(d) off-street parking and walkways, paved with pervious material, loose materials or hard-surfacing.

##### **Section 336A.05 Setback, Height and Coverage Regulations**

Buildings and other structures in a UAO District shall be developed and maintained in accordance with regulations of the underlying district except as follows.

(a) *Buildings.* Buildings no greater than thirty-five (35) feet in height shall be set back from property lines of an adjoining Residential District a minimum distance of five (5) feet. Buildings exceeding thirty-five (35) feet in height shall be set back from Residential District property lines a minimum of one (1) foot for each five (5) feet of building height. Buildings other than greenhouses shall cover no more than fifteen percent (15%) of the land area of an urban agriculture use.

(b) *Fences.* Fences are permitted as regulated in the underlying zoning district and Chapter 358, except that in a UAO District, chain link fences up to six (6) feet in height are permitted in all locations, unless the underlying district is a Residential District. In Residential Districts, a chain link fence in a front yard or side street yard shall be set back from the street line at least five (5) feet, with grass or other vegetation planted in front of the fence. If the urban agriculture use in a Residential District is located adjacent to a Residential-zoned lot that is occupied by a house, any fence above four (4) feet in height shall be set back a distance that is at least equal to the required front yard setback for adjoining lots in a Residential District.

##### **Section 336A.06 Keeping of Farm Animals and Bees**

The keeping of farm animals and bees in a UAO District shall be governed by the following regulations, as well as the regulations of Section 347.02 and the regulations of Section 205.04 regarding licensing and applicable state and federal law.

(a) *Small Size Animals.* The keeping of chickens, roosters, ducks, geese, turkeys, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations.

(1) *Number.* No more than one such animal shall be kept for each 100 square feet of land area, except that no more than one rooster shall be kept for each 10,000 square feet of land area.

(2) *Setbacks.* The coops or cages housing such animals shall not be located within five (5) feet of a side yard line nor within eighteen (18) inches of a rear yard line, except that roosters, geese and turkeys, whether inside or outside of coops and cages, shall be kept at least one hundred (100) feet from the lot line of a Residential District outside of the UAO District.

(3) *Prohibitions.* No predatory birds or roosters raised for fighting may be kept on any property under the regulations of this Section.

(4) *Coops and Cages.* All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals,

exclusive of areas used for storage of materials or vehicles.

(5) *Enclosures and Fences.* Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

(b) *Medium Size Animals.* The keeping of goats, pigs, sheep and similar farm animals, and stables and enclosures for the keeping of such animals, shall be governed by the following regulations. No more than one such animal shall be kept for each 4,000 square feet of land area. Stables or other enclosures for such animals shall be set back at least twenty (20) feet from any street, at least five (5) feet from any property line, and at least seventy-five (75) feet from the lot line of a Residential District outside of the UAO District.

(c) *Large Size Animals.* The keeping of horses, cows, alpacas, llamas and similar farm animals, and barns, stables, and enclosures for the keeping of such animals, shall be governed by the following regulations in all zoning districts. No more than one such animal shall be kept for each 8,000 square feet of land area. Stables or other enclosures for such animals shall be set back at least twenty (20) feet from any street, at least ten (10) feet from any property line, and at one hundred (100) feet from the lot line of a Residential District outside of the UAO District.

(d) *Bees.* The keeping of bees, and associated beehives, shall be governed by the following regulations.

(1) *Number.* No more than one (1) beehive shall be kept for each 1,000 square feet of lot area.

(2) *Locations and Setbacks.* No beehive shall be kept closer than five (5) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.

(3) *Fences and Shrubs.* A solid fence or dense hedge, known as a "fly-way barrier," at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such fly-way barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.

(4) *Water Supply.* A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

(5) *Prohibitions.* No Africanized bees may be kept on a property under the regulations of this Section.

#### **Section 336A.07 Supplemental Regulations**

(a) *Composting.* Composting shall be conducted in a manner that con-

trols odor, prevents infestation and minimizes run-off into waterways and onto adjacent properties. Composting may not be conducted for sale unless permitted by the underlying zoning.

(b) *Retail Sales.* Regardless of the underlying zoning district, retail sales of agricultural products, plants, eggs and honey are permitted for an urban agriculture use in a UAO District.

(c) *Slaughtering.* Chickens, ducks, rabbits, and other similar small animals raised on the subject property may be slaughtered on the site if for consumption only by the occupant of the site and only if conducted inside a building or if screened from view from adjacent properties.

(d) *Food Processing.* Regardless of the underlying zoning district, food processing is permitted on the site of an urban agriculture use if a majority of the food being processed is grown on the site and if no noise, vibration, smoke runoff of liquids, or objectionable odors are perceptible on residentially zoned properties.

#### **Section 336A.08 Permit Requirements**

Except for agriculture uses permitted in Residential Districts outside of UAO Districts, no urban agriculture use in a UAO District shall be established without submission of an application and site plan to the City's Department of Building and Housing and subsequent issuance of a Certificate of Occupancy or Use Permit. A Building Permit shall be required for installation of all buildings, fences and other structures except as provided in division (i) of Section 347.02 regarding the keeping of farm animals and bees.

**Section 2.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Building and Housing, City Planning Commission, Finance, Law; Committees on Development, Planning and Sustainability, Finance.

#### **FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED**

##### **Ord. No. 211-14.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the 28th Annual Chili Bowl 5K, on February 15, 2014, sponsored by Hermes Sports.**

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 28th Annual Chili Bowl 5K on February 15, 2014, Start: Fairfield & W. 14th; Fairfield East to W. 10th; W. 10th South to Starkweather; Starkweather West to W. 14th; W. 14th North to Abbey; Abbey East to W. 11th; W. 11th North to University; University East to W. 5th; W. 5th South to Starkweather; Starkweather West to W. 7th; W. 7th North to University; University West to W. 10th; W. 10th South to Fairfield; Fairfield West to W. 14th (FINISH LINE), provided

that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

**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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

#### **FIRST READING EMERGENCY RESOLUTIONS READ ON FULL AND ADOPTED**

##### **Res. No. 212-14.**

**By Council Member Reed.**

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

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a C2 and C2X Liquor Permit from Sophie T. Inc., DBA Imperial Deli & Beverage, 12301-03 Imperial Avenue, 1st floor and basement, Cleveland, Ohio, Permanent Number 9120790 to Rauhi Rahman, 4096 East 131st Street, Cleveland, Ohio 44105, Permanent Number 72040040005; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section

4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the transfer of location of a C2 and C2X Liquor Permit from Sophie T. Inc., DBA Imperial Deli & Beverage, 12301-03 Imperial Avenue, 1st floor and basement, Cleveland, Ohio, Permanent Number 9120790 to Rauhi Rahman, 4096 East 131st Street, Cleveland, Ohio 44105, Permanent Number 72040040005; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 213-14.**

**By Council Member Brancatelli.**

**An emergency resolution objecting to the transfer of location of a D1, D3, D3A and D6 Liquor Permit to 4002 Jennings Road.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a D1, D3, D3A and D6 Liquor Permit from Liebations, LLC, DBA Tremont Tap House, 2572 Scranton Road and patio, Cleveland, Ohio 44113, Permanent Number 5191268 to Iron City Café, LLC, DBA Iron City Café, 4002 Jennings Road, Cleveland, Ohio 44109, Permanent Number 4153951; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of location of a D1, D3, D3A and D6 Liquor Permit from Liebations, LLC, DBA Tremont Tap House, 2572 Scranton Road and patio, Cleveland, Ohio 44113, Permanent Number 5191268 to Iron City Café, LLC, DBA Iron City Café, 4002 Jennings Road, Cleveland, Ohio 44109, Permanent Number 4153951; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 214-14.**

**By Council Member K. Johnson.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3577 East 129th Street and repealing Resolution No. 1309-13, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 3577 East 129th Street by Resolution No. 1309-13 adopted by the Council on September 23, 2013; and

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

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

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

**Section 1.** That objection to a New C1 Liquor Permit to Mary's Deli, LLC, DBA Mary's Deli, 3577 East 129th Street, Cleveland, Ohio 44104, Permanent Number 5598646, be and the same is hereby withdrawn and Resolution No. 1309-13, containing such objection,

be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 216-14.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 5351-5355 Dolloff Road and repealing Resolution No. 1053-13, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D1, D2, D3 and D3A Liquor Permit to Your Place & Mine, LLC, DBA Your Place & Mine, 5351-5355 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 9862110 by Resolution No. 1053-13, adopted by the Council on August 14, 2013; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 renewal of a D1, D2, D3 and D3A Liquor Permit to Your Place & Mine, LLC, DBA Your Place & Mine, 5351-5355 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 9862110, be and the same is hereby withdrawn and Resolution No. 1053-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 217-14.**

**By Council Member Kelley.**

**An emergency resolution withdrawing objections to the transfer of ownership and renewal of a C1 Liquor Permit at 4380 State Road and repealing Resolution Nos. 1062-13 and 934-13, objecting to said transfer and renewal.**

Whereas, this Council objected to a transfer of ownership and renewal of



a C1 Liquor Permit to 4380 State Road by Resolution No. 1062-13 adopted by the Council on August 14, 2013 and Resolution No. 934-13 adopted by the Council on July 10, 2013; and

Whereas, this Council wishes to withdraw its objections to the above permit and consents to said permit; 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 ownership and renewal of a C1 Liquor Permit to Shree Ganeshai Nama, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8112818, be and the same is hereby withdrawn and Resolution Nos. 1062-13 and 934-13, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 218-14.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 4643 Broadway Avenue, 1st floor and repealing Resolution Nos. 256-13 and 923-13, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 4643 Broadway Avenue, 1st floor, Cleveland, Ohio 44127, Permanent Nos. 0036900 and 2830812 by Resolution No. 256-13 adopted by the Council on February 25, 2013 and Resolution No. 923-13 adopted by the Council on July 10, 2013; and

Whereas, this Council wishes to withdraw its objections 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 ownership of a C1 and C2 Liquor Permit to 4643 Broadway Avenue, 1st floor, Cleveland, Ohio 44127, Permanent Nos. 0036900 and 2830812, be and the same is hereby withdrawn and Resolution Nos. 256-13 and 923-13, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1554-13.**

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

An emergency ordinance determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement, for a period up to five years.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance, when amended, as follows:

1. In the title, line 5, strike "and authorizing" and insert "authorizing"; and strike line 8 in its entirety and insert "improvement; and authorizing the Director to employ one or more professional consultants to design the improvements, for a period up to two years."

2. In Section 2, line 1, strike "2018" and insert "2016".

3. Insert new Section 4 to read as follows:

**"Section 4. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide professional services necessary to design the improvements necessary to effectuate this ordinance.**

**The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities 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 Public Utilities, and certified by the Director of Finance."**

4. In existing Section 4, line 1, after "improvement," insert "contract or contracts."

5. Renumber existing Sections 4 and 5 to new "Section 5" and "Section 6".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 124-14.**

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the Playhouse Square Foundation to encroach into the public rights-of-way of Euclid Avenue and East 14th Street by installing, using, and maintaining seven electronic sign kiosks, two electrical site enclosures, and associated electric duct banks required for a chandelier and four gateways.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Development, Planning and Sustainability, Municipal Services and Property, Finance, when amended, as follows:

1. Strike the first two whereas clauses in their entirety.

2. In Section 1, in lines 5 and 6, strike "and associated electric duct banks".

3. In Section 1, in the "LOCATION TABLE" at Electrical site enclosure 2", line 2, insert a semicolon after "grass strip"; and strike the next two lines in their entirety and insert:

**"(Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.)**

**"one 28' tall video kiosk (the "Stylon") and fencing at the Public Plaza, and electric duct banks associated with the kiosks and electrical site enclosures, and with the four gateways and chandelier which the Playhouse Square Foundation is permitted to install, use and maintain in the public rights-of-way of Euclid Avenue, Huron Road and East 14th Street under the authority of Ordinance No. 1495-13, passed by the Cleveland City Council on November 25, 2013, and with other structures the Playhouse Square Foundation is permitted to, and may from time to time, construct, install, use and maintain or replace at or as part of the Public Plaza and concession stand encroaching into the public rights-of-way of Huron Road S.E. and other streets under the authority of Ordinance No. 714-96, passed by the Cleveland City Council June 10, 1996, including but not limited to a fire pit, stage area, seating, lighting and planter beds."**

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**MOTION**

On the motion of Council Member Zone, the absence of Council Member Zachary Reed is hereby authorized. Seconded by Council Member Pruitt.

**MOTION**

The Council Meeting adjourned at 7:40 p.m. to meet on Monday, February 24, 2014, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

February 5, 2014

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 5, 2014 at 10:40 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Acting Director Shaw, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson and Director Smith.

Others: Lynn Peculis, Acting Director, Office of Equal Opportunity.

Tiffany White, Commissioner, Purchases & Supplies.

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

**Resolution No. 55-14.**

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subconsultants by Partners Environmental Consulting, Inc. under Contract No. PS2013\*231 for professional consulting services to provide general environmental, health, safety, sustainability, engineering, and other services needed for a period of two years, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities on an as-needed basis, is approved:

<u>Subconsultant</u>	<u>Work Percentage</u>
EnviroCore Limited	\$10,000.00 3.226%
Electrical Diagnostic Surveys	\$60,000.00 19.355%
American Red Cross	\$16,000.00 5.161%
Pine Environmental Services LLC	\$ 4,000.00 1.290%

Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Smith.

**Resolution No. 56-14.**

By Director Flask.

Whereas under the authority of Ordinance No. 1606-07, passed by the Cleveland City Council on October 15, 2007, the City of Cleveland, through the Director of Public Safety, entered into an agreement with Intergraph Corporation, City Contract No. 67549, for a period of one year with two options to renew for an additional one-year period, for maintenance and technical support services for the Computer-Aided Dispatch System and Mobile System, for the Divisions of Police, Fire, and EMS, Department of Public Safety; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with the software vendor for professional services necessary to implement or maintain the software, including but not limited to, maintenance, repair, upgrade, enhancements, and technical support; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Intergraph Corporation to obtain the professional maintenance and technical support services necessary to maintain and upgrade the Computer-Aided Dispatch System and Mobile System for six months starting February 1, 2014; now; therefore,

Be it resolved by the Board of Control of the City of Cleveland that under division (e) of Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the agreement with Intergraph Corporation is fixed at an amount not to exceed \$168,528.00.

Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Smith.

**Resolution No. 57-14.**

By Director Flask.

Whereas, under the authority of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, the City of Cleveland, through the Director of Public Safety, entered into an agreement with Kronos Incorporated, City Contract No. 58817 for a time and attendance workforce system, for the Division of Police, Department of Public Safety; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with the software vendor for professional services necessary to implement or maintain the software, including but not limited to, maintenance, repair, upgrade, enhancements, and technical support; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Kronos Incorporated to obtain the professional maintenance and technical support services necessary to maintain the timekeeping system, for the Division of Police, for a peri-

od of twelve months starting March 5, 2014; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under division (e) of Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the above-mentioned prospective agreement with Kronos Incorporated is fixed at an amount not to exceed \$60,513.48.

Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Smith.

**Resolution No. 58-14.**

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Your Bldg Maint, Inc. for an estimated quantity of labor & materials necessary to clean the Westside Market, Department of Public Works, for a period of one year, beginning with the date of execution of a contract, with two one-year renewal options, received on December 18, 2013 under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$201,600.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services specified.

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

Be it further resolved by the Board of Control that the employment of the following subcontractor by Your Building Maintenance, Inc. dba YBM, Inc. is approved:

<u>Subcontractor</u>	<u>Percentage Amount</u>
JSI, Inc.	0.0% \$41,000.00

Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Smith.

**Resolution No. 59-14.**

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 119-08-085 located on East 97th Street; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Commis-

sioner of Purchases and Supplies, when directed by the Director of Community Development, to convey, and the Director of Community Development to execute, a deed of easement when certain conditions have been met; and

Whereas, The Ohio Bell Telephone Company dba AT&T Ohio ("AT&T") desires a non-exclusive easement in the following-described portion of certain City-owned property known as Permanent Parcel No. 119-08-085, for the purpose of constructing and operating facilities for the transmission of communication services;

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 401.

Starting at the intersection of the centerlines of East 97th Street, 56.00 feet wide, and Chester Avenue, N.E., 86.00 feet wide; thence North 00°01'16" East along the said centerline of East 97th Street, 67.05 feet; thence North 89°58'44" West, 28.00 feet to a point in the westerly line of East 97th Street, at the Principal Place of Beginning of the easement herein intended to be described; thence continuing North 89°58'44" West, 10.00 feet; thence North 0°01'16" East, 15.00 feet; thence South 89°58'44" East, 10.00 feet to a point in the said westerly line of East 97th Street; thence South 0°01'16" West along the said westerly line of East 97th Street, 15.00 feet to the Principal Place of Beginning and containing 0.0034 acres of land as described on January 9, 2014 by R.M. Kole & Assoc., Corp., Professional Land Surveyors; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, when directed by the Director of Community Development, the Commissioner of Purchases and Supplies is authorized to convey a non-exclusive easement in the portion of Permanent Parcel No. 119-08-085 more fully described above to The Ohio Bell Telephone Company dba AT&T for a price of \$1.00 which, taking into account the nature of the easement, is determined to be fair market value.

Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Smith.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the

commission not later than the final closing date slated in the examination announcement.

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

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

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, FEBRUARY 24, 2014**

**9:30 A.M.**

**Calendar No. 14-12:** 4308 Franklin Boulevard (Ward 3)

Oh Dear Productions, owner, appeals to change the use of the existing vacant single family dwelling in a B1 Two Family District to a three-family dwelling and, pursuant to Section 325.20 a dwelling unit is defined as one (1) or more rooms providing complete living facilities for one (1) family, including equipment for cooking or provisions for the same and including rooms for living, sleeping and eating; and according to Section 337.03(c) the Board of Zoning Appeals, after public notice and public hearing, and upon prescribing proper safeguards to preserve the character of the neighborhood, may grant special permits for the remodeling of existing dwelling houses or the erection of row houses to provide for more than two (2) dwelling units but not more than six dwelling units in each building, provided that: (1) The square feet of lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355; (2) the dwelling units to be created will be not smaller than two (2) rooms and a bathroom; (3) there will be no exterior evidence that a remodeled dwelling house is occupied by more than two (2) families, except such as may be permitted by the Board; (4) the building when altered or erected and when occupied will conform to all the applicable provisions of the Building and Housing Codes and as the Commissioner of Building and the Commissioner of Housing so certify; (5) garage space or hard surfaced and drained parking space will be provided upon the premises for the cars of the families to be accommodated on the premises at the rate of not less than one (1) car per family. (Filed January 31, 2014).

**Calendar No. 14-13:** 13825 Sacramento Avenue (Ward 16)

Marius Lutas, owner, appeals to change the use from a single family

dwelling to a two family dwelling on a 40' x 136' parcel located in an A1 One Family District and contrary to Section 337.02 a two family dwelling is first permitted in a Two Family District and pursuant to Section 355.04 the minimum lot area for a two-family dwelling is 6000 square feet and 5032 is provided and the minimum floor area per dwelling unit allowed is 950 feet and 907 square feet is provided for the first floor unit; 453 is provided for the second floor unit. (Filed February 3, 2014).

**Calendar No. 14-14:** 4009 Woodbine Avenue (Ward 3)

Hunter Peckham, owner, appeals to erect a 20' x 18' 2 story frame dwelling addition, a new wooden deck and construct a parking pad that fronts on Jay Avenue on an irregular shaped lot in a B1 Two Family District and pursuant to Section 357.09 (2)(A) no building shall be less than 10 feet from a main building on an adjacent lot in a Residence District and 7 feet and 8 feet are provided and; contrary to Section 357.09 (2)(B) the total width of side yards on the same premises shall not be less than 10 feet and 6' 3" is provided and; contrary to Section 349.05(A) all accessory parking spaces shall be located behind the Building Setback line and the parking pad is located within the front setback on Jay Avenue. (Filed February 3, 2014).

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, FEBRUARY 10, 2014**

At the meeting of the Board of Zoning Appeals on Monday, February 10, 2014, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 14-004:** 1209 East 71st Street

St. Clair Superior appealed to establish use as a community center for food programs and distribution.

**Calendar No. 14-005:** 1541 Addison Road

Derek E. Watson appealed to expand nonconforming use of 6 dwelling units and a store to 6 dwelling units and 2 stores.

**Calendar No. 13-264:** Chatfield Avenue

Frank Shaker appealed to change use from a tool and die to auto repair.

The following appeal was **DENIED:**

None.

The following appeal was **WITHDRAWN:**

**Calendar No. 13-238:** 4770 Broadview Road

Julie Adams House appealed to change the use to a residential drug and alcohol rehabilitation program facility.

The following appeals were **DISMISSED**:

None.

The following appeals were **POSTPONED**:

**Calendar No. 14-001:** 11512 Superior Avenue  
Ngozi Nkemere change use minor vehicle repair and used car sales Postponed to March 24, 2014 at 10:30 A.M.

**Calendar No. 14-002:** 3821 Lorain Avenue  
Ellen Mueller establish use for glass manufacturing, sales and classes Postponed to March 10, 2014 at 10:30 A.M.

The following appeals were heard by the Board on February 3, 2014; decisions were adopted and approved on February 10, 2014;

The following appeals were **APPROVED**:

**Calendar No. 14-003:** 2915 East 120th Street  
Cleveland Green Homes East, L.P.L. owner, appeals to construct a single family home contrary to Yards and Courts.

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids. Where invitations for bids are advertised, the following notice**

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

**FRIDAY, MARCH 14, 2014**

**File No. 18-14 — Purchase of Substation Transformers and Accessories—Cargill Salt,** for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, FEBRUARY 14, 2013 AT 11:00 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND OHIO 44114.**

February 5, 2014 and February 12, 2014

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 174-14. By Council Member Brancatelli. An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 6506 Fleet Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from 6506 Fleet Avenue, LLC, 6506 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 7638470 to Mr. Z Beverage, Inc., 6506 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 6208550; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement offi-

cers or agents of the Division of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from 6506 Fleet Avenue, LLC, 6506 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 7638470 to Mr. Z Beverage, Inc., 6506 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 6208550; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 3, 2014.  
Effective February 4, 2014.

**Res. No. 175-14. By Council Member Brancatelli. An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to 1104 Rowley Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Theodore J. Polanski, Sr., DBA Rowley Inn, 1104 Rowley Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 6985049 to M & EM CLE, LLC, DBA Rowley Inn, 1104 Rowley Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 5376715; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Theodore J. Polanski, Sr., DBA Rowley Inn, 1104 Rowley Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 6985049 to M & EM CLE, LLC, DBA Rowley Inn, 1104 Rowley Avenue, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 5376715; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 3, 2014.  
Effective February 4, 2014.

**Res. No. 181-14.  
By Council Member Cimperman and Mayor Jackson.**

**An emergency resolution declaring February 7-14, 2014 as Congenital Heart Defect Awareness Week.**

Whereas, the health and well-being of Cleveland's children is of vital importance; and

Whereas, approximately 40,000 babies are born each year in the United States of America with a congenital heart defect; and

Whereas, some congenital heart defects are not diagnosed until months or years after birth; and

Whereas, undiagnosed congenital heart conditions cause many cases of sudden cardiac deaths in young Clevelanders; and

Whereas, it is crucial that parents, pediatricians, and all those in the

health profession have a greater awareness of the potential for congenital heart defects among newborns and children; and

Whereas, many of Cleveland's families and communities are directly or indirectly affected by infant illness and death caused by congenital heart defects; and

Whereas, Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life, to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and

Whereas, Governor Kasich recognized February 7-14, 2014 as Congenital Heart Defect Awareness Week, and the City of Cleveland joins the State of Ohio in asking all Clevelanders to observe this week along with all Ohioans; and

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

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

**Section 1.** That this Council declares February 7-14, 2014 as Congenital Heart Defect Awareness Week.

**Section 2.** That the Clerk of Council is directed to transmit a copy of this resolution to John R. Kasich, Governor of Ohio.

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

Adopted February 3, 2014.  
Effective February 4, 2014.

**Ord. No. 1594-13.  
By Council Members Pruitt, Cleveland and Kelley (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of constructing, assembling, and installing the public art projects at the Baldwin and Nottingham Water Treatment Plants, including site improvements; authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement; authorizing the Commissioner of Purchases and Supplies to acquire various rights and interests in real property; and authorizing the Director to employ one or more professional consultants to design the improvement, and to perform other services necessary to implement this ordinance.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, assembling, and installing the public art projects at or near the Baldwin

and Nottingham Water Treatment Plants, including site improvements (the "Improvement"), for the Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

**Section 2.** That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate Improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

**Section 3.** That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 4.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase, lease, or otherwise acquire easements, fee interests, licenses, permits, and other rights or interests in real property necessary to implement this ordinance. The consideration to be paid for the property shall not exceed fair market value.

**Section 5.** That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement, and to perform other services necessary to implement this ordinance.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities 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 Public Utilities, and certified by the Director of Finance.

**Section 6.** That the cost of the professional services, improvement, property acquisition, and other expenditures authorized shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2013-171.

**Section 7.** 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 February 3, 2014.  
Effective February 4, 2014.

**Ord. No. 1605-13.****By Council Members Westbrook and Zone.**

**An ordinance changing the Use, Area and Height Districts of lands located on the east side of West 117th Street; north side of Madison Avenue and between West 116th Street and West 115th Street to Residence-Office (RO-C2), Local Retail (LR-C2), Multi-Family (MF-C2) and Residence Industry (RI-B3) (Map Change No. 2469).**

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

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

Beginning at the intersection of Madison Avenue and W. 116th Street;

Thence northerly along the centerline of W. 116th Street to its intersection with the easterly prolongation of the southerly line of Sublot No. 88 in the S.B. Marshall Allotment shown on the recorded plat in Volume 15, Page 32 of Cuyahoga County Map Records;

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

Thence northerly along said westerly line and its northerly prolongation to its intersection with the northerly line of a parcel of land conveyed to Ponyicky, Donald W. and Costanzo, Frank by deed dated November 27, 1996 and recorded in Auditor's File Number V96117720017 said parcel also being known as 001-22-067;

Thence westerly along said northerly line and its westerly prolongation to its intersection with the centerline of W. 117th Street;

Thence northerly along W. 117th Street to its intersection with the westerly prolongation of the southerly line of a parcel of land conveyed to Malloy John F by deed dated October 18, 1984 and recorded in Auditor's File Number V84449300004 said parcel also being known as 001-22-062;

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

Thence northerly along said easterly line and its northerly prolongation to its intersection with the northerly line of a parcel of land conveyed to GE CAPITAL FRANCHISE FINANCE CORP by deed dated May 25, 2006 and recorded in Auditor's File Number 200605251043 said parcel also being known as 001-23-005;

Thence westerly along said northerly line and its westerly prolongation to the centerline of W. 117th Street;

Thence northerly along the centerline of W. 117th St to its intersection with the westerly prolongation of the northerly line of a parcel of land conveyed to Montlack Realty Corp by deed dated August 5, 1992 and recorded in Auditor's File Number V92267610051 said parcel also being known as 001-23-012;

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

Thence northerly along the northerly prolongation of said easterly line to its intersection with the southerly line of Sublot No. 10 in the Edwin L. Marshall Allotment shown on the recorded plat in Volume 20, Page 20 of Cuyahoga County Map Records;

Thence westerly along said southerly line and its westerly prolongation to its intersection with the centerline of W. 117th St;

Thence southerly along the centerline of W. 117th Street to its intersection with the centerline of Madison Avenue;

Thence easterly along the centerline of Madison Avenue to the place of origin; and as shaded on the attached map is changed to a Local-Retail District, a 'C' Area District and a '2' Height District.

**Section 2.** That the Use, Height and Area Districts of lands bounded and described as follows:

Beginning at the intersection of Madison Avenue and W. 116th Street;

Thence northerly along the centerline of W. 116th Street to its intersection with the westerly prolongation of the southerly line of Sublot No. 5 in the Puritan Realty Company Re-Sub Allotment shown on the recorded plat in Volume 30, Page 29 of Cuyahoga County Map Records;

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

Thence northerly along said easterly line and its northerly prolongation to its intersection with the northerly line of Sublot No. 10 in said Allotment;

Thence westerly along said northerly line and its westerly prolongation to its intersection with the centerline of W. 116th Street;

Thence northerly along the centerline of W. 116th Street to its intersection with the centerline of Franklin Blvd;

Thence westerly along the centerline of Franklin Blvd to its intersection with the southerly prolongation of the westerly line of Sublot No. 34 in the Ohio Land & Building Company Re-Sub Allotment shown on the recorded plat in Volume 26, Page 1 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation and said westerly line and its northerly prolongation to its intersection with the northerly line of a parcel of land conveyed to Montlack Realty Corp by deed dated August 5, 1992 and recorded in Auditor's File Number V92267610051 said parcel also being known as 001-23-012;

Thence westerly along said northerly line and its westerly prolongation to its intersection with the centerline of W. 117th Street;

Thence southerly along the centerline of W. 117th Street to its intersection with the westerly prolongation of the southerly line of a parcel of land conveyed to Montlack Realty Co by deed dated August 5, 1992 and recorded in Auditor's File Number V92267610051 said parcel also being known as 001-23-009;

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

Thence southerly along the southerly prolongation of said easterly line to its intersection with the southerly line of a parcel of land conveyed to Continental Bank National Association by deed dated June 28, 2001 and recorded in Auditor's File Number 200106280911 said parcel also being known as 001-22-037;

Thence easterly along said southerly line and its easterly prolongation to its intersection with the centerline of W. 116th Street;

Thence southerly along the centerline of W. 116th Street to the place of origin; and as shaded on the attached map is changed to a Multi-Family District, a 'C' Area District and a '2' Height District.

**Section 3.** That the Use, Height and Area Districts of lands bounded and described as follows:

Beginning at the intersection of Detroit Avenue and W. 117th Street;

Thence southerly along the centerline of W. 117th Street to its intersection with the westerly prolongation of the northerly line of Sublot No. 8 in the Edwin L. Marshall Allotment shown on the recorded plat in Volume 20, Page 20 of Cuyahoga County Map Records;

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

Thence southerly along said easterly line and its southerly prolongation to its intersection with the southerly line of Sublot No. 10 in said Allotment;

Thence westerly along said southerly line and its westerly prolongation to its intersection with the centerline of W. 117th Street;

Thence southerly along the centerline of W. 117th Street to its intersection with the westerly prolongation of the northerly line of a parcel of land conveyed to Marron Family Partnership by deed dated June 14, 2001 and recorded in Auditor's File Number 200106140919 said parcel also being known as Cuyahoga County's Permanent Parcel Number 001-22-063;

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

Thence southerly along said easterly line and its southerly prolongation to its intersection with the southerly line of a parcel of land conveyed to Mary Judith Fassnacht Trust by deed dated September 15, 1997 and recorded in Auditor's File Number V97092650046 said parcel also being known as Cuyahoga County's Permanent Parcel Number 001-22-065;

Thence easterly along the easterly prolongation of said southerly line to its intersection with the centerline of W. 116th Street;

Thence southerly along the centerline of W. 116th St to its intersection with the easterly prolongation of the southerly line of Sublot No. 88 in the S.B. Marshall Allotment shown on the recorded plat in Volume 15, Page 32 of Cuyahoga County Map Records;

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

Thence northerly along said westerly line and its northerly prolongation to its intersection with the northerly line of a parcel of land conveyed to Ponyicky, Donald W. and Costanzo, Frank by deed dated November 27, 1996 and recorded in Auditor's File Number V96117720017 said parcel also being known as 001-22-067;

Thence westerly along said northerly line and its westerly prolongation to its intersection with the centerline of W. 117th Street;

Thence northerly along W. 117th Street to the place of origin; and as shaded on the attached map is changed to a Residence-Office District, a 'C' Area District and a '2' Height District.

**Section 4.** That the Use, Area and Height Districts of lands bounded and described as follows:

Beginning at the intersection of Madison Avenue and W. 116th Street;

Thence northerly along the centerline of W. 116th Street to its intersection with the westerly prolongation of the southerly line of Sublot No. 5 in the Puritan Realty Company Re-Sub Allotment shown on the recorded plat in Volume 30, Page 29 of Cuyahoga County Map Records;

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

Thence northerly along said easterly line and its northerly prolongation to its intersection with the northerly line of Sublot No. 34 in the aforementioned Allotment;

Thence easterly along said northerly line and its easterly prolongation to its intersection with the centerline of W. 115th Street;

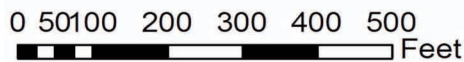
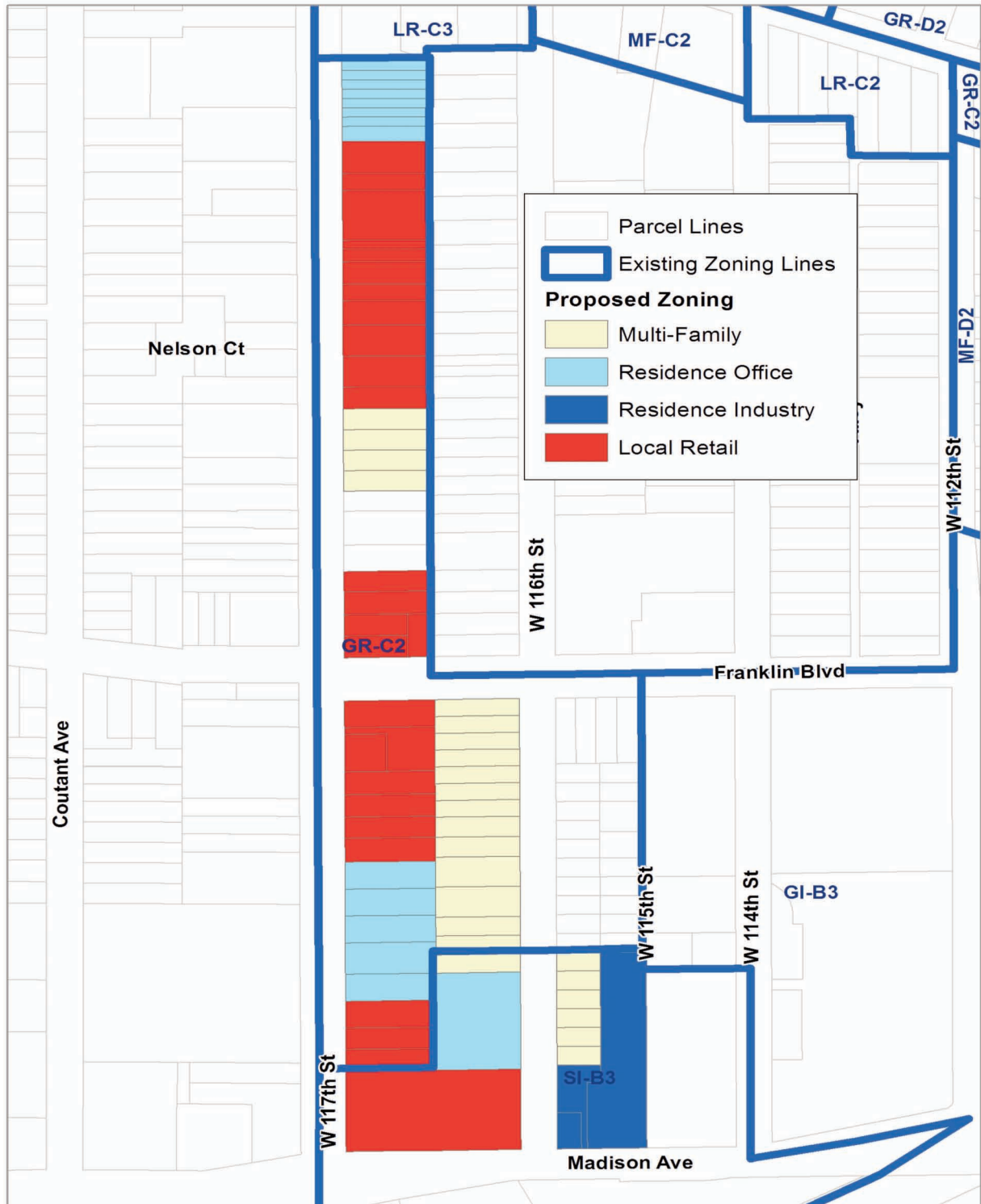
Thence southerly along the centerline of W. 115th Street to its intersection with the centerline of Madison Avenue;

Thence westerly along the centerline of Madison Avenue to the place of origin; and as shaded on the attached map is changed to a Residence Industry District, a 'B' Area District and a '3' Height District.

**Section 5.** That the changed designation of lands described in Section 1 through 4 shall be identified as Map Change No. 2469, 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 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

W 117th St Rezoning Phase 1 - 12-5-13



Passed February 3, 2014.  
 Effective March 5, 2014.



**Ord. No. 59-14.****By Council Member Zone.**

**An emergency ordinance to amend Section 699A.011 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1222-13, passed October 7, 2013 relating to Community Entertainment Districts defined.**

Whereas, Detroit Shoreway Community Development Organization has submitted an application dated December 4, 2013, to the Mayor's Office requesting to establish Gordon Square as a Community Entertainment District; and

Whereas, the application is accompanied by a map identifying the boundaries of the proposed Gordon Square Community Entertainment District; and

Whereas, by submitting this ordinance for introduction to City Council, Mayor Jackson is recommending within the required 30 days, the acceptance of the application for the expansion of the Gordon Square Community Entertainment District; and

Whereas, a copy of the application is placed in File No. 59-14-A; 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 based upon the information and data contained in File No. 59-14-A, this Council approves the application of the Detroit Shoreway Community Development Organization dated December 4, 2013 to establish the Gordon Square Community Entertainment District.

**Section 2.** That Section 699A.011 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1222-13, passed October 7, 2013 is hereby amended to read as follows:

**Section 699A.011 Districts Defined**

Community Entertainments Districts are limited to the following defined areas of the City of Cleveland and meet all the requirements of Section 699A.01 of this chapter:

(a) *Playhouse Square District.* An area more fully described in Ordinance File No. 1222-13-A.

(b) *Waterloo District.* An area centered on Waterloo Avenue, east of East 156th Street, more fully described in Ordinance File No. 759-12-A.

(c) *Cleveland Hopkins International Airport, Cleveland Airport System, 5300 Riverside Drive, Cleveland, Ohio 44181-0009, particularly the Main Terminal and Concourses A, B, C, and D.*

(d) *Uptown District.* An area centered on the intersection of Euclid Avenue and Mayfield Road, containing approximately 98 acres, more fully described in Ordinance File No. 759-12-A.

(1) There is established an Uptown Community Entertainment District Committee (the "UCED Committee"), whose primary purpose and function is to review each applicant for one of the D-5(j) liquor permits authorized by the establishment of the Uptown Community Entertainment District in meetings that are open to the public

and make recommendations to the City Council. The UCED Committee shall also serve to make recommendations to the City Council with regard to applications for the issuance, transfer, or renewal of any liquor permit in the District.

(2) The UCED Committee shall be composed of four (4) members: AJAP-PJR Uptown LLC, University Circle Incorporated, Case Western Reserve University, and the UCED Community Representative. AJAPPJR Uptown LLC, University Circle Incorporated, and Case Western Reserve University shall each appoint a single member to the UCED Committee. The UCED Community Representative shall be appointed by the Committee from nominations made by the City Council members representing wards that are located in whole or in part within the boundaries of the District.

(3) Three (3) of the four (4) members of the UCED Committee shall constitute a quorum to transact business and to issue any recommendation or advisory opinion.

(4) The UCED Committee may promulgate its own internal rules of procedure and review.

(e) *Flats East Bank District.* An area designated by the permanent parcel numbers that are set forth and more fully described in Ordinance File No. 759-12-A.

(f) *Gordon Square District.* An area more fully described in Ordinance File No. 59-14-A.

**Section 3.** That existing Section 699A.011 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1222-13, passed October 7, 2013 is hereby repealed.

**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 February 3, 2014.

Effective February 4, 2014.

**Ord. No. 60-14.**

**By Council Member Cimperman.  
An emergency ordinance designating the Hubbard Cooke Building as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Hubbard Cooke Building as a landmark; and

Whereas, the owner of the Hubbard Cooke Building has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Hubbard Cooke Building as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate

protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

**Section 1.** That the Hubbard Cooke Building, whose street address in the City of Cleveland is 2220 Superior Viaduct, N. W., Cuyahoga County Auditor's Permanent Parcel Number is 003-15-037, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublot Nos. 939 and 940, and part of Sublot Nos. 938, 945, 946, and 947 in Block "LL" of the Buffalo Company's Allotment of part of Original Brooklyn Township Lot No. 70, as shown by the recorded plat in Volume 3 of Maps, Page 51 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southeasterly line of Washington Avenue, N. W., (formerly First Street, 66 feet wide), at its Intersection with the Northeasterly line of West 24th Street, (formerly Flint Street, 33 feet wide); thence North 55 degrees 15' 00" East, along the Southeasterly line of Washington Avenue, N. W., 58.03 feet to the most Westerly corner of land conveyed to James S. Ricca, et al., by deed dated April 1, 1975 and recorded in Volume 13820, Page 595 of Cuyahoga County Records; thence South 34 degrees 40' 47" East, along the Southwesterly line of land so conveyed, which is also along the Northeasterly face of the Northeasterly wall of the 5 story brick building situated on the premises herein described, and also being partly along the Southwesterly face of the Southwesterly line of Superior Viaduct, N. W., (80 feet wide), as shown by the plat recorded in Volume 11 of Maps, Page 46 of Cuyahoga County Records; thence South 40 degrees 10' 50" West, along the Northwesterly line of Superior Viaduct, N. W., 59.91 feet to the Northeasterly line of West 24th Street; thence North 34 degrees 45' 00" West, along the Northeasterly line of West 24th Street, about 160.07 feet to the place of beginning;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

**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 February 3, 2014.

Effective February 4, 2014.

**Ord. No. 64-14.**

**By Council Member Brady.**

**An ordinance changing the Use District of land located on the west side of West 117th Street south of Lorain Avenue from Two Family Residential to Residence Office (Map Change No. 2470).**

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 in the centerline of W 117th St at its intersection with the easterly prolongation of the northerly line of Sublot No. 3 in the Crawford Land Company No 1 Subdivision shown on the recorded plat in Volume 60, Page 8 of Cuyahoga County Map Records;

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

Thence southerly along said westerly line to its intersection with the northerly line of Sublot No. 4 in the aforementioned Crawford Land Company No 1 Subdivision;

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

Thence southerly along said westerly line and its southerly prolongation to its intersection with the southerly line of Sublot No. 8 in the aforementioned Crawford Land Company No 1 Subdivision;

Thence easterly along said southerly line and its easterly prolongation to its intersection with the centerline of W 117th St;

Thence northerly along the centerline of W 117th St to the place of beginning;

and as shaded on the attached map is changed to a Residence Office District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2470, 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.



Shaded area to be rezoned from 2F-B1 to RO-B1 (Residence Office)  
Map Change No. 2470



Passed February 3, 2014.  
Effective March 5, 2014.

**Ord. No. 168-14.**  
**By Council Members Conwell and Mitchell.**

**An emergency ordinance consenting and approving the issuance of a permit for the 2014 Hudson Relays on April 26, 2014, sponsored by Case Western Reserve University.**

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 2014 Hudson Relays on April 26, 2014, sponsored by Case Western Reserve University; starting at a point on the campus of Case Western Reserve University (near the intersection of Euclid Avenue and Adelbert Road); south on the campus to Adelbert Road at Circle Drive; south on Adelbert to Murray Hill Road; off of Murray Hill into the campus of Case Western Reserve University

(South Residential Village); from the campus onto Carlton Road; north on Carlton into the City of Cleveland Heights, Ohio onto Overlook Road to Edgehill Road; south on Edgehill into the City of Cleveland to Murray Hill Road; south on Murray Hill to Adelbert Road; north on Adelbert to Euclid Avenue; south on Euclid to East Boulevard; north on East Boulevard to Bellflower Road; east on Bellflower to East 115th Street and Juniper Road; north and west on Juniper to East Boulevard; north on East Boulevard to Hazel Drive; north

on Hazel to Magnolia Drive; east on Magnolia into the campus of Case Western Reserve University (North Residential Village) to East 115th Street; south on East 115th to Bellflower Road; west on Bellflower to East Boulevard; south on East Boulevard to Euclid Avenue; east on Euclid to the campus of Case Western Reserve University (just west of Adelbert Road) and the finish point on the campus; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

**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 February 3, 2014.  
Effective February 4, 2014.

**Ord. No. 176-14.**  
**By Council Member Cummins.**  
**An emergency ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with Joe De's Pizzeria, Inc. for the Joe De's Exterior Building Upgrade Project through the use of Ward 14 Neighborhood Capital Funds.**  
Whereas, this ordinance constitutes an emergency measure providing for

the usual daily operation of a municipal department; now, therefore,

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

**Section 1.** That the Director of the Department of Economic Development is authorized to enter into an agreement with Joe De's Pizzeria, Inc. for the Joe De's Exterior Building Upgrade Project for the public purpose of promoting business development and new job creation through the use of Ward 14 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,000 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 February 3, 2014.  
Effective February 4, 2014.

**COUNCIL COMMITTEE MEETINGS**

**Monday, February 10, 2014**  
**9:30 a.m.**

**Health and Human Services Committee:**  
Present: Cimperman, Chair; Mitchell, Vice Chair; Conwell, Cummins. *Authorized Absence:* Brady, Cleveland, J. Johnson. *Pro tempore:* Pruitt.

**2:00 p.m.**

**Development, Planning and Sustainability Committee & Finance Committee:** Present in DP&S: Brancatelli, Chair; Cleveland, Vice Chair; Cimperman, Cummins, Pruitt, Zone. *Authorized Absence:* Dow. Present in Finance: Kelley, Chair; Cleveland, Vice Chair; Brady, Brancatelli, Keane, Mitchell, Pruitt, Zone. *Authorized Absence:* Conwell.

**2:00 p.m.**

**Finance Committee:** Present: Kelley, Chair; Cleveland, Vice Chair; Brady, Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone.

**Tuesday, February 11, 2014**  
**9:00 a.m.**

**Development, Planning and Sustainability Committee:** COMMUNITY DEVELOPMENT BLOCK GRANT HEARINGS: Present: Brancatelli, Chair; Cleveland, Vice Chair; Cimperman, Cummins, Dow, Pruitt, Zone.

**Wednesday, February 12, 2014**  
**9:00 a.m.**

**Development, Planning and Sustainability Committee:** COMMUNITY DEVELOPMENT BLOCK GRANT HEARINGS: Present: Brancatelli, Chair; Cleveland, Vice Chair; Cimperman, Cummins, Dow, Pruitt, Zone.

**Thursday, February 13, 2014**  
**9:00 a.m.**

**Development, Planning and Sustainability Committee:** COMMUNITY DEVELOPMENT BLOCK GRANT HEARINGS: NO MEETING

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Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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