

# The City Record

Official Publication of the Council of the City of Cleveland



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August the Eleventh, Two Thousand and Ten

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**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

### Ward Name Residence

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

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

### MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff  
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
Valerie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development  
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary  
Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability  
Natoya J. Walker, Interim Director, Office of Equal Opportunity  
DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,  
Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106  
Pam Benjamin, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;  
Frank Badalamenti, Manager, Internal Audit

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

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

Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – John Christopher Nielson, Commissioner  
Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director  
Cleveland Hopkins International Airport, 5300 Riverside Drive  
Burke Lakefront Airport – Khalid Bahhur, Commissioner  
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113  
DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517  
Engineering and Construction – \_\_\_\_\_, Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards  
Streets – Randall T. Scott, Commissioner, Room 25  
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1  
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 75 Erieview Plaza

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner  
Environment – Willie Bess, Commissioner, Mural Building, 75 Erieview Plaza  
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230  
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street  
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive  
Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue  
Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director  
Cleveland Convention Center, Clubroom A, 1220 East 6th Street

DIVISIONS: Convention Center & Stadium – James Glending, Commissioner  
Public Auditorium, East 6th Street and Lakeside Avenue  
Parking Facilities – Leigh Stevens, Commissioner  
Public Auditorium, East 6th Street and Lakeside Avenue  
Park Maintenance and Properties – Richard L. Silva, Commissioner  
Public Auditorium – East 6th Street and Lakeside Avenue  
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard  
Recreation – Kim Johnson, Commissioner, Room 8  
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road  
Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall  
DIVISIONS: Administrative Services – Terrence Ross, Commissioner  
Neighborhood Services – Louise V. Jackson, Commissioner  
Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500  
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner  
Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Nycole D. West, Interim Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS – John D. Mahone, Interim Director

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director; Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Brian J. Cummins, Councilman \_\_\_\_\_, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

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

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, \_\_\_\_\_, Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, Law Director Robert J. Triozzi; Councilman \_\_\_\_\_.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities Director \_\_\_\_\_; Council President Martin J. Sweeney.

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

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member \_\_\_\_\_, Ed Romero.

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 Robert J. Triozzi; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley.

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

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

AUDIT COMMITTEE – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

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

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 97

WEDNESDAY, AUGUST 11, 2010

No. 5044

## CITY COUNCIL

MONDAY, AUGUST 9, 2010

### The City Record

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Address all communications to

**PATRICIA J. BRITT**

City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS

#### CITY COUNCIL

NO MEETING

#### THE CALENDAR

The following measure will be on final passage at the next Council Meeting:

#### Ord. No. 829-10.

By Mayor Jackson  
An emergency ordinance authorizing the purchase by requirement contract of LED streetlights, LED fluorescent tube replacements, LED bulbs, and LED traffic lights as specified for a term of up to 10 years for the various departments of City government.

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 Finance is authorized to make a written requirement contract under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a term of up to 10 years for the various departments of City government of the necessary items of LED streetlights, LED fluorescent tube replacements, LED bulbs, and LED traffic lights (**“LED products”**) that 1) have a UL listing and have completed LM 79 testing to confirm the products' conformance to City standards prior to being furnished to the City; 2) have completed LM 80 testing to confirm the products' conformance to City standards within 24 months after the first LED products are furnished to the City; 3) are lead-free and meet the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations (**“RoHS”**); 4) are designed to fit the City's existing

fixtures without modification other than wiring reconfiguration, with the exception of LED street lights which shall be designed to fit the City's existing street light arms without modification of the maintenance processes and shall in other respects meet the City's street light specifications; 5) are, starting no later than 18 months after execution of the contract, assembled and distributed from the contractor's facility located in Cleveland and used to supply the LED products to the City under the contract throughout the term; 6) are, starting no later than 36 months after execution of the contract, manufactured at one or more facilities located and maintained in Cleveland throughout the remainder of the contract term; 7) are assembled, distributed and manufactured at one or more of its Cleveland facilities that (a) includes, by no later than 60 months after execution of the contract, a research and development function within its Cleveland facility which is maintained in Cleveland throughout the remainder of the contract term, (b) employs within 60 months after execution of the contract and maintains in employment for the remainder of the contract term a minimum of 350 new jobs, and (c) employs Cleveland residents as at least 30% of the total number of Ohio residents employed in the workforce in each year of the contract; and 8) are warranted for full replacement if the furnished products fail at any time during the term to meet the contract specifications, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various departments of City government.

The contract shall provide that the contractor shall 1) comply with the Cleveland Fair Employment Law, Chapter 189 of the Codified Ordinances of Cleveland, Ohio, 1976, as a **“Covered Employer”** as that term is defined in the law; 2) comply with the CSB, MBE, and FBE subcontractor participation goals established by the City's Office of Equal Opportunity (**“OEO”**) under Chapter 187 of the Codified Ordinances of Cleveland, Ohio, 1976, for like contracts in any contract the contractor enters into (a) for the construction, rehabilitation, improvement, alteration, conversion, extension, demolition or repair of the contractor's Cleveland facilities, and (b) with suppliers and subcontractors employed by the contractor in the performance of its obligations to supply LED products; 3) require its contractors under 2(a) of this paragraph to employ City of Cleveland residents to perform 20% of the total **“Construction Worker Hours”** as that term is defined in Section 188.01 of the Codified Ordinances of

Cleveland, Ohio, 1976; 4) use, to the extent practicable, "Local Producers," "Local-Food Purchasers" and "Local Sustainable Businesses" as defined in Section 187A.01 of the Codified Ordinances of Cleveland, Ohio, 1976, in contracts for goods and services for contractor's Cleveland facilities, increase the number of Local Producers, Local-Food Purchasers and Local Sustainable Businesses in proportion to its decrease in use of component parts obtained outside Cleveland, and purchase a minimum of 25% of component parts from Local Producers meeting the contractor's specifications within 5 years after the contract execution date; 5) enter into a Workforce Development Agreement under which, among other things, the contractor shall notify the City of job openings at contractor's Cleveland facilities, request referrals of potential job candidates for the job openings from the City's workforce agencies, give first consideration to hiring candidates referred by those agencies, and provide reasonable feedback regarding the status and results of the referrals; and 6) pay all royalties, license, or other intellectual property fees required in connection with its products and processes and shall hold and save the City and its officers, agents, servants, and employees harmless from liability of any nature or kind, including costs and expenses, for or on account of any patented or unpatented invention, process, article, or appliance manufactured or used in the performance of the contract, including but not limited to the use by the City, and defend at its own cost all suits or claims for infringement of any patent, license, or other intellectual property right.

The contract shall further provide that 1) the term during which the City is obligated to purchase LED products shall begin upon the contractor filling the City's first order with products assembled and distributed from its Cleveland facilities; 2) the City may provide upgraded requirements for LED products as required to meet technological advancements during the term of the contract; 3) so long as the contractor's unit price for any LED product is at or below that of other providers for a like product, as determined annually by the Commissioner of Purchases and Supplies, the City shall purchase that LED product from the contractor during the term of the contract; 4) if any LED product is available at a lower cost from another firm and the contractor fails to meet that lower cost, the City shall have the right to purchase the lower-priced product(s) from another supplier; and 5) if the contractor cannot meet the quantity or quality requirements of the City for any LED product, the City shall have the right to purchase that LED product from another supplier. **The Director Finance shall provide an annual report to Cleveland City Council regarding the evaluation of product pricing by the Commissioner of Purchases and Supplies and the City's procurement under the contract.**

The contract shall further provide that 1) the contractor is required to develop LED products that meet Energy Star Standards and other national LED standards as those standards may be promulgated and adopted by the lighting industry from time to time during the con-

tract term ("Standards") and to actively work toward achieving LED products that meet the Standards; 2) if the contractor achieves any LED products that meet the Standards, the City shall have the right to purchase that product from the contractor at or below the price of another like LED product that meet the Standards; 3) if the contractor offers a product meeting the Standards, but a like LED product is available from another supplier at a lower price, and the contractor does not at least meet the lower price, the City may purchase that product meeting the Standards from the other supplier; and 4) if the City determines that a LED product meeting the Standards is available for purchase in the marketplace and the contractor does not have a like LED product, the City shall have the right to purchase the LED product(s) meeting the Standards from another supplier.

Notwithstanding any Codified Ordinance to the contrary, 1) each bid shall be accompanied by a bid bond signed by a surety company authorized to do business in Ohio, or by a cashier's check or certified check on a solvent bank, which bond or check shall be five percent (5%) of the amount of the bid for the estimated purchases during the first term year of the contract and shall be given as security that if its bid is accepted, the bidder will enter into a contract and properly secure its performance; and 2) upon execution of the contract, the contractor shall furnish a performance bond or other irrevocable security acceptable to the Director of Law in an amount equal to at least twenty-five percent (25%) of the bid amount for the City's estimated purchases during the first term year of the contract and shall maintain a performance bond or security in that amount in effect during each term year of the contract.

**Section 2.** That the cost of the contract shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 3.** That the authority to enter into contract under this ordinance shall expire eighteen months after the effective date of this ordinance, excluding any period of time that the City is prevented from proceeding with competitive bidding or entering into a contract for LED products under this ordinance for any reason outside of the control of the City, its officers or employees. **If the City is prevented from proceeding with competitive bidding or entering into a contract for LED products under this ordinance due to a reason outside the control of the City, its officers or employees, the Director of Finance shall notify Council.**

**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.

## BOARD OF CONTROL

August 4, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, August 4, 2010, at 10:30 a.m. with Acting Director Langhenry presiding.

Present: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.

Absent: Mayor Jackson.

Others: James Hardy, Commissioner, Purchases and Supplies.

Natoya Walker, Director, Office of Equal Opportunity.

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

### Resolution No. 319-10.

By Director Withers.

Whereas, under the authority of Ordinance No. 1924-07, passed by the Council of the City of Cleveland on January 28, 2008, and Resolutions No. 188-08 and 315-09, respectively adopted by this Board of Control on April 23, 2008 and August 5, 2009, the City through its Director of Public Utilities, entered into Contract No. 67975 and a first modification with RNR Consulting ("Consultant") for a technical and financial feasibility study to analyze the proposed construction of a municipal solid waste-to-energy (MSWE) facility at the Ridge Road Transfer Station, for an amount not to exceed \$280,375.00, for the Division of Cleveland Public Power, Department of Public Utilities, and

Whereas, in Resolution No. 315-09, first modification to Contract No. 67975 is referred to as the "second modification"; and

Whereas, the City desires to modify City Contract No. 67975 further to obtain the additional professional services necessary to prepare a supplemental report updating the original MSWE Feasibility Assessment Report; and

Whereas, the Consultant has proposed by its October 5, 2009 Statement of Work to prepare the above-mentioned supplemental report, for an amount not exceeding \$48,600.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 315-09, adopted August 5, 2009, is amended by changing "second modification" to "first modification", where appearing.

Be it further resolved, that the Director of Public Utilities is authorized to enter into a second modification to City Contract No. 67975 with RNR Consulting to obtain the above-mentioned additional services for a supplemental report to the MSWE Feasibility Assessment Report and to increase the fees payable for all services by an amount not exceeding \$48,600.00 to \$328,975.00.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson.

### Resolution No. 320-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that

under the authority of Ordinance No. 1845-08, passed by the Council of the City of Cleveland on January 26, 2009, Pure Technologies US Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to provide professional services necessary to inspect deterioration of the six trunk mains for a period of up to two years beneath the following segments 1) E. 70th Street, E. 71st Street and Brecksville Road; 2) Butternut Ridge Road, Columbia Road, Mastick Road and Brookpark Road; 3) Clark Avenue from the Cuyahoga River to W. 73d Street; 4) Cleveland Heights along Hampshire Lane, Morningson Lane and St. James Parkway; 5) Superior Avenue from E. 55th Street to Ansel Road; and 6) in Euclid from the Nottingham Water Works to Georgetown Road, and to design any necessary repair or replacement of the trunk mains, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Pure Technologies US Inc. based upon its proposal dated, July 30, 2009, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, for an aggregate fee not exceeding \$1,757,034.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by Pure Technologies US Inc. for the above-mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Pure Services DBA Openaka, Inc.	\$410,956.00 23.389%
Jason Consultants, LLC	\$123,850.00 7.049%
Bushman & Associates, Inc.	\$ 46,076.00 2.622%
DLZ Ohio, Inc. (MBE)	\$ 39,885.00 2.270%
Jones Technologies Enterprises Inc. (CSB/MBE)	\$181,111.18 10.308%
Elite Pipeline Services	\$ 55,240.00 3.144%

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.  
Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 321-10.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1845-08, passed by the Council of the City of Cleveland on January 26, 2009, Simpson Gumpertz & Heger Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to provide professional services for a period of up

to two years necessary to inspect the deterioration of the trunk main beneath Pearl Road from the Pearl Road Pump Station to Keller Tower, and to design any necessary repair or replacement of the trunk main, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Simpson Gumpertz & Heger Inc. based upon its proposal dated, July 30, 2009, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, for an aggregate fee not exceeding \$116,281.88, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by Simpson Gumpertz & Heger Inc. for the above-mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
AAA Flexible Pipe Cleaning Corporation (CSB)	\$17,144.00 14.743%
Pressure Pipe Inspection Company (USA) Inc.	\$79,511.00 68.378%

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.  
Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 322-10.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for the public improvement of water main replacements on Chalfant Road, Avalon Road, Latimore Road, and Helen Road in the City of Shaker Heights, Ohio, including a \$131,472.00 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on May 20, 2010, under the authority of Ordinance No. 1928-07, passed December 10, 2007, upon a unit basis for the improvement in the aggregate amount of \$1,446,192.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Company, Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Rockport Construction & Materials, Inc. (CSB/FBE)	\$102,335.00 7.076%
The Vallejo Company, Inc. (CSB/MBE)	\$207,955.00 14.379%
Interstate Safety & Service Co., Inc. (CSB/FBE)	\$123,710.00 8.554%

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.  
Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 323-10.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for the public improvement of water main replacements for South Park Blvd., Broxton Rd. & Morley Rd. in the City of Shaker Heights, Ohio, including a \$83,463.73 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on May 19, 2010, under the authority of Ordinance No. 1928-07, passed December 10, 2007, upon a unit basis for the improvement in the aggregate amount of \$918,100.98, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Company, Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
The Vallejo Company, Inc. (CSB/MBE)	\$209,835.00 22.855%
Rockport Construction & Materials, Inc. (CSB/FBE)	\$65,615.00 7.147%

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.  
Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 324-10.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Monte Construction Co., Inc. for the public improvement of Suburban Water Main Improvements for East 252nd Street from Treadwell Avenue to Babbitt Road and East 276th Street from Mills Avenue to Euclid Avenue in the City of Euclid, Ohio, including a \$69,447.58 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on May 13, 2010, under the authority of Ordinance No. 1928-07, passed December 10, 2007, upon a unit basis for the improvement in the aggregate amount of \$763,923.38, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Monte Construction Co., Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Interstate Safety & Service (CSB/FBE)	\$132,000.00 17.279%
Tech Ready Mix (CSB/MBE)	\$34,200.00 4.477%
Cook Paving & Construction Co., Inc. (CSB/MBE)	\$63,000.00 8.247%

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 325-10.**

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance Nos. 2380-02, 468-04, 1853-06 and 1329-08, passed by the Council of the City of Cleveland on December 16, 2002, April 26, 2004, December 11, 2006 and October 20, 2008, respectively, the firm of Enhrenkrantz Eckstut & Kuhn Architects, P.C. ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to prepare planning studies, for a period of two years, with two options to renew for additional two year periods, for the various divisions of the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Enhrenkrantz Eckstut & Kuhn Architects, P.C. for the above-mentioned services, based upon its proposal dated June 14, 2010, which contract shall be prepared by the Director of Law, shall provide that the compensation to Enhrenkrantz Eckstut & Kuhn Architects, P.C. for the services authorized shall not exceed \$700,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Enhrenkrantz Eckstut & Kuhn Architects, P.C. is approved:

<u>Subconsultant</u>	<u>Percentage</u>	<u>Amount</u>
Van Auken Architects, LLC	25.64% CSB/FBE	\$179,500.00
R. W. Armstrong & Associates, Inc.	5.71% CSB/MBE	\$40,000.00
Ralph C. Tyler, P.E., P.S., Inc.	2.85% CSB/MBE	\$20,000.00
JWT & A., LLC	3.57% CSB/MBE	\$25,000.00
McKnight Associates, Ltd.	1.92% CSB	\$13,500.00

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 326-10.**

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 721-10, passed by the Council of the City of Cleveland on June 7, 2010, Arcadis U.S., Inc. is selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Bessemer Avenue Phase 2B Extension between East 88th Street and Aetna Road.

Be it further resolved that the Director of Public Service is authorized to enter into a written contract with Arcadis U.S., Inc. based on its proposal dated April 27, 2010, provided that the compensation to be paid shall not exceed \$273,256.00. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subconsultants by Arcadis U.S., Inc. for the above authorized contract is approved:

Pro-Geotech, Inc. (CSB/MBE) — \$10,265.00 — (3.757%)
The Riverstone Company (CSB) — \$29,222.00 — (10.694%)
Somat Engineering (CSB/MBE) — \$42,870.00 — (15.689%)
O.R. Colan & Associates, Inc. \$13,950.00 — (5.105%)

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 327-10.**

By Director Wasik.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Hans' Truck and Trailer Repair, Inc. dba Hans' Freightliner of Cleveland, for an estimated quantity of one cab and chassis with digger derrick body, and related equipment, all items, including all options, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on February 25, 2010, under the authority of Ordinance No. 591-08, passed by Cleveland City Council on July 2, 2008, as amended by Ordinance No. 1849-08, passed by Cleveland City Council on January 26, 2009, which on the basis of the estimated quantity would amount to \$251,000.00

(Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the amount not less than \$251,000.00.

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

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 328-10.**

By Director Wasik.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Company, Inc. for the public improvement of Bridge Deck Sealing and Joint Repair Project, all items, for the Division of Engineering and Construction, Department of Public Service, received on June 24, 2010, under the authority of Ordinance No. 912-07, passed by Cleveland City Council on June 11, 2007, as amended by Ordinances No. 637-08, passed on June 9, 2008, and No. 455-09, passed on June 8, 2009, upon a unit basis for the improvement, in the aggregate amount of \$285,268.05, is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subconsultants by Perk Company, Inc. for the above-mentioned public improvement is approved:

Cuyahoga Supply & Tool, Inc. (CSB/FBE) — \$81,601.00 — (28.605%)
TraffTech, Inc. (CSB) — \$2,820.00 — (0.989%)
McTech Corporation (MBE) — \$2,175.00 — (0.762%)

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 329-10.**

By Director Cox.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of D.R.S. Enterprises, for the public improvement of City of Cleveland Cemetery Improvements - Package A, for Base Bid Items A1 - A38, B1 - B24, C1 - C26 and Add Alternate Item 7CC including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on June 30, 2010, under the authority of Ordinance No. 452-08, passed on June 9, 2008, upon a unit basis for the improvement in the aggregate amount of \$300,012.39, is affirmed and approved as the lowest respon-

sible bid; and the Director of Department of Parks, Recreation & Properties is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by D.R.S. Enterprises for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT PERCENTAGE</u>
Granger Trucking (CSB/MBE)	\$40,556.00 13.518%
Petty Group (CSB/MBE)	\$22,913.00 7.637%
Northeast Contracting (CSB/MBE)	\$22,855.20 7.618%
L. V. Surveying (CSB/FBE)	\$ 2,550.00 0.850%

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 330-10.**

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed 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, Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Commissioner of Purchases and Supplies to acquire certain properties owned by the Department of Housing and Urban Development (HUD) and Fannie Mae, each for a price determined as Fair Market Value, as part of the Land Reutilization Program; and

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 138-07-014, located at 4161 East 116th Street from HUD; and

Whereas, on December 23, 2009 the Board of Control of the City of Cleveland had adopted Resolution Number 579-09 regarding the property and now desires to rescind that resolution; and

Whereas, DNT, Inc. has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

Whereas, Section 183.024 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development, and with the prior written consent of the Council member(s) in whose ward the property acquired from HUD or Fannie Mae to be sold is located, to convey the property to purchasers for the public purpose of rehabilitation and/or resale for consideration established by the Board of Control at not less than fair market value; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution Number 579-09, adopted December 23, 2009 is hereby rescinded, and

Be it further resolved by the Board of Control of the City of Cleveland that under the authority

of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 138-07-014 to DNT, Inc. is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Rush, Acting Directors West, Thornton, Odom, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, AUGUST 23, 2010**

**9:30 A.M.**

**Calendar No. 10-127:** 10917 Dale Avenue (Ward 17)

Roland Sarai, owner, appeals to erect a 15.8' x 22' two-story, frame rear addition to a single family residence on a 35' x 126' parcel in a One-Family District; providing an interior side yard of 2.8' contrary to Section 357.09(2)(B) and the minimum requirement of 3 feet as stated in the City of Cleveland Zoning Code.

**Calendar No. 10-129:** 4219 Orchard Avenue (Ward 15)

Michael Rastatter owner appeals to erect a 21' x 109' two-story metal single family residence, using commercial storage cars, on a 30' x 178' lot in a Two-Family District; subject to Section 349.07(c) access to off-

street parking space requires approval from the Cleveland Division of Engineering and Construction; pursuant to Section 357.09(2)B the total width of side yards may not be less than 10 feet and 8.5 feet is provided; and contrary to the Fence Regulations, a living wall height of 11.1 foot is proposed where not more than 4 feet is allowed in the front yard and not more than a height of 6 feet is allowed in the interior side yard, according to Section 358.04(a) of the Cleveland Codified Ordinances.

**Calendar No. 10-130:** 18200 Lorain Avenue (Ward 19)

Fairview General Hospital, owner, appeals to construct a parking lot on consolidated parcels located in Multi-Family and One Family Districts north of Lorain Avenue; where subject to the provisions of Section 349.13(c) and (d), the Board of Zoning Appeals, in its opinion may determine that the best interests of the community will be served, and may permit temporarily or permanently the use of land in a residential district for a parking lot provided that (1) the lot is used only for parking passenger automobiles of employees, customers or guests of the person or firm responsible for operating and maintaining the lot; (2) no charge is to be made for parking on the lot; (3) the lot is not to be used for sales, repair work or servicing of any kind; (4) entrance to and exit from the lot are to be located so as to do the least harm to the Residence District; (5) no advertising sign or material is to be located on the lot; (6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board; (7) the parking lot and portion of the driveway back of the building line are to be adequately screened from the street and adjoining residential district property by a hedge, slightly fence or wall, not less than 4' but not more than 5' high, and located back of the setback building line; with all lighting arranged so that no glare annoys occupants of adjoining property in a Residence District; and the parking lot surface must be smoothly graded, hard surfaced and adequately drained; and (8) whatever conditions the Board may impose as necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District where the parking lot is to be located, and after public notice and hearing, and subject to appropriate conditions and safeguards, the Board may permit the location of a public parking lot, provided that the Board finds there is need for such facility to serve the permitted uses in the District; and pursuant to Section 352.10 a 4 foot wide, 100 square foot island strip is required every 20 parking spaces, as stated in the Cleveland Codified Ordinances.

**Calendar No. 10-132:** 13351 Lorain Avenue (Ward 18)

Jefferson Park Group LLC, owner, and Sal Awadallah and Mike Kamel, tenant, appeal to establish use as an electronic sweepstakes amusement parlor in a one-story building on a 40' x 121.84' parcel in a Local Retail Business District; subject to Section 343.01(b) the use is not permitted and first allowed in a General Retail District; and pursuant to Sec-

tion 347.12(a)(1) amusement uses must be 500 feet from a residence district, a church, school, playground or recreation center, and a parking area in the amount of three times the gross floor area is required in accordance with Section 349.04(e) of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY AUGUST 9, 2010**

At the meeting of the Board of Zoning Appeals on Monday, August 9, 2010, the following appeals were heard by the Board.

The following appeals were **Approved**:

**Calendar No. 10-117:** 4005 Bridge Avenue  
Donald and Julie Hallum appealed to change a factory to a two family residence and storage of personal items in a Two Family District.

**Calendar No. 10-120:** 3900 Lorain Avenue  
Niagra Homes Ltd., owner, and Ian Engasser, tenant appealed to change from three stores and one dwelling unit to a restaurant and one dwelling unit a mixed use building in a Local Retail Business District; subject to condition.

**Calendar No. 10-125:** 3705 West 37th Street  
Robert Wendorf appealed to erect a pre-manufactured wheelchair lift in the front yard space of a parcel in a Two-Family District.

**Calendar No. 10-113:** 819 Jefferson Avenue  
Thomas Bell, owner, and Amy Farry, prospective purchaser, appealed to establish use of an outdoor patio and to add live entertainment indoors in split zoning between General Retail and Two-Family Districts; subject to conditions.

The following appeals were **Withdrawn**:

None.

The following appeals were **Dismissed**:

**Calendar No 09-86:** 2727 York Avenue  
Judy Yeager appealed to use as a parking area a vacant lot in a Two Family District.

The following appeals were **Postponed**:

**Calendar No. 10-121:** 3166 West 11th Street postponed to September 27 2010.

**Calendar No. 10-124:** 2214 Denison Avenue postponed to September 7, 2010.

**Calendar No. 10-96:** 2901-09 Detroit Avenue postponed to September 7, 2010.

The following appeals heard by the Board on August 3, 2010 were adopted and approved on August 9, 2010.

The following appeals were **Approved**:

**Calendar No. 10-116:** 18621 Neff Road  
Slovene Home for the Aged appealed to construct an accessory parking lot on consolidated parcels in Multi-Family and Two-Family Districts between Bella Drive and Shawnee Avenue.

**Calendar No. 10-118:** 1123 Norwood Road  
St. Martin De Pores High School appealed to place a mobile classroom unit on a vacant corner parcel in a Two-Family District; subject to condition.

**Calendar No. 10-119:** 3711 West 138th Street  
City of Cleveland, owner and Department of Community Development appealed to install 108 lineal feet of 6 foot high chain link fence in the actual side yard and 58 linear feet of 4 foot high chain link fence in the front yard of a corner parcel in a Two-Family District; subject to conditions.

The following appeal heard by the Board on July 26, 2010 was adopted and approved on August 9, 2010:

The following appeals were **Denied**:

**Calendar No. 10-34:** 16569 St. Clair Avenue  
Calabrese Cement & Masonry Contractor, Inc., owner, and Utilities Equipment & Supply Company, lessee, appealed to construct an office shed and use for a composting facility on acreage located in Semi-Industry and General Industry Districts.

Secretary

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

Re: Report of the Meeting of July 21, 2010

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

\* \* \*

**Docket A-5-10.**  
RE: Appeal of Stacy Johnson and Cleveland Municipal School District, Owner of Property located on the premises known as 12510 Maple Avenue from a NOTICE OF VIOLATION—FIRE CODE, dated November 12, 2009 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to adopt the procedures outlined in the correspondence submitted of the agreement between the City of Cleveland Fire Department and the Cleveland Municipal School District. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

**Docket A-6-10.**  
RE: Appeal of Damon Loretz and Cleveland Municipal School District, Owner of Property located on the premises known as 14311 Woodworth Avenue from a NOTICE OF VIOLATION—FIRE CODE, dated November 12, 2009 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to adopt the procedures outlined in the correspondence submitted of the agreement between the City of Cleveland Fire Department and the Cleveland Municipal School District. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

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**Docket A-7-10.**  
RE: Appeal of Tianna Maxey and Cleveland Municipal School District, Owner of Property located on the premises known as 2075 Stokes Boulevard from a NOTICE OF VIOLATION—FIRE CODE, dated November 12, 2009 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to adopt the procedures outlined in the correspondence submitted of the agreement between the City of Cleveland Fire Department and the Cleveland Municipal School District. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

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**Docket A-8-10.**  
RE: Appeal of Conrad Hamlet and Cleveland Municipal School District, Owner of Property located on the premises known as 12523 Woodside Avenue from a NOTICE OF VIOLATION—FIRE CODE, dated November 12, 2009 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to adopt the procedures outlined in the correspondence submitted of the agreement between the City of Cleveland Fire Department and the Cleveland Municipal School District. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

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**Docket A-70-10.**  
RE: Appeal of Amber L. Benson, Owner of Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 12022 Griffing Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated February 23, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) weeks in which to



obtain permits and six (6) months in which to abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, with the understanding that if progress is satisfactory and the property is secured and the grounds debris free, that the Appellant may be granted additional time at the discretion of the inspector. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

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**Docket A-78-10.**

RE: Appeal of Bohemia Properties LLC, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 941 Rudyard Road from a 14 DAY CONDEMNATION ORDER—MAIN STRUCTURE, dated August 27, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-78-10 has been WITHDRAWN at the request of the Appellant.

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**Docket A-90-10.**

RE: Appeal of Terika L. Webb, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 12610 Soika Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated February 23, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

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**Docket A-91-10.**

RE: Appeal of Hosea Lock, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 991 Nathaniel Road from a 30 DAY CONDEMNATION ORDER—MAIN STRUCTURE, dated July 07, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to complete abatement of the exterior violations and three (3) months to substantially complete the project, noting that extensions from that can be made up to six (6) months depending on the inspector's approval of the progress and the quality of the work. The property is

REMANDED to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

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**Docket A-92-10.**

RE: Appeal of President Wilson, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 10205 Somerset Avenue from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated January 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-92-10 has been WITHDRAWN at the request of the Appellant.

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**Docket A-93-10.**

RE: Appeal of Thor Realty, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 16620 Burnside Avenue from a 30 DAY CONDEMNATION ORDER, dated August 25, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC). BE IT RESOLVED, a motion is in order at this time to grant the Appellant one (1) week in which to complete removal of debris and clean up of the steps, and forty-five (45) days in which to complete abatement of all violations, including the driveway. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

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**Docket A-94-10.**

RE: Appeal of Thor Realty, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 1439 East 173rd Street from a NOTICE OF VIOLATION—INTERIOR/EXTERIOR MAINTENANCE, dated February 12, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal for additional time, noting the condition of the property and that the disposition of the occupant. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

**Docket A-95-10.**

RE: Appeal of Theodore Cloud, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 2620 East 112th Street from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated February 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued and to DENY the appeal. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting the condition of the property from the photographs and the lack of attendance by the Appellant. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-96-10.**

RE: Appeal of Theodore Cloud, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2618 East 112th Street from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE,

dated February 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued and to DENY the appeal. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting the condition of the property from the photographs and the lack of attendance by the Appellant. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-97-10.**

RE: Appeal of Shaun Collins, Owner of the S-1 Storage - Moderate Hazard (Combustibles) Two & One/half Story Masonry Property located on the premises known as 1322 East 105th Street from a NOTICE OF VIOLATION—UNAUTHORIZED/ILLEGAL USE, dated June 09, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to complete abatement of the violations, including obtaining all required permits and approvals. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

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**Docket A-99-10.**

RE: Appeal of Gregory W. Davies, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 1440 East 174th Street from a NOTICE OF VIOLATION—INTERIOR/EXTERIOR MAINTENANCE, dated February 26, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-99-10 has been POSTPONED; to be rescheduled for August 04, 2010.

\* \* \*

**Docket A-201-10.**

RE: Appeal of Macron Investment Company C/O Sam Haikal, Owner of the MXD Mixed Uses - Multiple Uses In One Building Four (4) Story Masonry Walls/Wood Floors Property located on the premises known as 2121 Ontario Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated April 20, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that that the Condemnation Order was properly issued. That a review by an engineer and any safety measures to protect the public in view of the condition of the building should be implemented immediately; the appellant has thirty (30) days in which to complete the demolition of the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

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**Docket A-270-10.**

RE: Appeal of United Methodist Church, Owner of the Property located on the premises known as 3000 Euclid Avenue from an ADJUDICATION ORDER, dated July 06, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the proposed occupancy with the completion of the sprinkler system by approximately January 2011; occupancy is permitted on the first and second floors, the cafeteria and the basement with the addition of hard-wired smoke detector system for those areas during the period of time that the sprinkler systems are not in place. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

**EXTENSION OF TIME:**

**Docket A-283-09 - Christine Harper C/O Brandon Harper - 1405 East 115th Street:**

A motion is in order at this time to grant the Appellant six (6) months additional time in which to complete abatement of all violations and to obtain all permits pending the agreement upon inspection by the City inspectors. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

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**APPROVAL OF RESOLUTIONS FROM JUNE 23, 2010:**

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

- A-14-10—Kimball Walker.
- A-31-10—Ernest Price.
- A-45-10—Yusuf Martin.
- A-55-10—Michael and William Dean-El.
- A-56-10—James W. Jugl.
- A-57-10—Angela Freeman.
- A-58-10—Kirkneil K. Williams.
- A-59-10—Richard C. Davis.
- A-60-10—KD Ohio Investments.
- A-63-10—Marion Wells.
- A-64-10—Cleveland Transport Refrigeration.
- A-65-10—Durrion R. Anderson.
- A-66-10—Gali J. Nuriel.
- A-67-10—Orlean Whitehead.
- A-68-10—Barbara J. Williams.
- A-219-10—Sharon El-Amin Dealer Tire, LLC.

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

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**APPROVAL OF MINUTES FROM JUNE 23, 2010:**

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

June 23, 2010

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

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**APPROVAL OF RESOLUTIONS FROM JULY 7, 2010:**

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

- A-217-09—Nathaniel Kurash.
- A-54-10—Steve Gomillion.
- A-61-10—Patricia & Kate Zdravec.

- A-71-10—ElQuinn D. McClarty.
- A-72-10—Joe Trunzo.
- A-73-10—Thor Realty.
- A-74-10—Terrence Rollins.
- A-75-10—Terrence Rollins.
- A-76-10—James Kajtoch.
- A-81-10—C-Town Transportation, Inc.
- A-82-10—Suburban Acres Dev. Group.
- A-83-10—Jatone D. Washington.
- A-85-10—Curt Allan Realty, LLC.
- A-86-10—Anthony c. DiFrancesco.
- A-87-10—John T. Mumphy.
- A-89-10—Mars Urban Solutions, LLC.
- A-203-10—Brian Lyon.
- A-253-10—Suburban Acres Dev. Group.
- A-259-10—AJAPJR Uptown LLC.

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

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**APPROVAL OF MINUTES FROM JULY 7, 2010:**

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

July 7, 2010

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

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JOSEPH F. DENK,  
Chairman

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

Re: Report of the Meeting of August 4, 2010

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

\* \* \*

**Docket A-399-09.**

RE: Appeal of Gaynell C. Sims-Jones, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 1442 Ansel Road from a CONDEMNATION ORDER—MAIN STRUCTURE, dated February 23, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 1442 Ansel Road to the Department of Building and Housing for supervision and any required further action, noting that the permits have not been obtained and no work has been done on the property. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-79-10.**

RE: Appeal of Csaba Varga, Owner of the One Dwelling Unit single-Family Residence Two Story Frame Property located on the premises known as 949 East 140th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated

April 27, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that no work has been done by the appellant and the Appellant was not present for the hearing and has postponed one hearing in the past. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-99-10.**

RE: Appeal of Gregory W. Davies, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 1440 East 174th Street from a NOTICE OF VIOLATION—INTERIOR/EXTERIOR MAINTENANCE, dated February 26, 2010 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the appellant sixty (60) days of additional time to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-100-10.**

RE: Appeal of Kenneth & Sharon Davis, Owner of the Three Dwelling Units Three-family Residence One Story garage - Detached; Masonry Property located on the premises known as 1142 East 66th Street from a CONDEMNATION ORDER—GARAGE, dated January 26, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require that a permit be obtained for the demolition of the garage, which has already been completed. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the Condemnation Order was properly issued. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

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**Docket A-101-10.**

RE: Appeal of Nicole Wright, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame/Siding/Masonry Veneer Property located on the premises known as 363 East 149th Street from a 30 DAY CONDEMNATION ORDER—MAIN STRUCTURE, dated July 31, 2008 of the Director of the Department of Building and Housing,

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

BE IT RESOLVED, a motion is in order at this time to require that an inspection of the premises be conducted by the inspector and require the Appellant to obtain permits in thirty (30) days and ninety (90) days to complete abatement of the violations ascertained by the inspection. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-102-10.**

RE: Appeal of Romello's Investment Group Inc., Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 9511 Benham Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated September 14, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and one hundred twenty (120) days from the thirty (30) days in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-103-10.**

RE: Appeal of Ireda Brent, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 2991 East 116th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 25, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) weeks from today's date (08-04-10) in which complete abatement of the demolition of the property and any violations therewith. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

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**Docket A-104-10.**

RE: Appeal of Verlyn Salters, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Masonry Walls/wood Floors Property located on the premises known as 3183 East 123rd Street from a CONDEMNATION ORDER, dated March 26, 2010 of the Director of the Department of Building and Housing,

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

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3183 East 123rd Street to the Department of Building and Housing for supervision and any required further action, noting the inability of the Appellant to, within a reasonable time, abate the violations. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-105-10.**

RE: Appeal of Verlyn Salters, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 3231 East 123rd Street from a CONDEMNATION ORDER, dated March 11, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, based on previous testimony by the Appellant that his work schedule prohibits him from accomplishing meaningful abatement of the violations, a motion is in order at this time to REMAND the property at 3231 East 123rd Street to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-106-10.**

RE: Appeal of Stephen T. Farris, Owner of Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 3204 East 121st Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 04, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3204 East 121st Street to the Department of Building and Housing for supervision and any required further action, noting that the exterior has been stripped of the facilities required for occupancy; and to prohibit the owner and any occupant from living in the property until a Certificate of Occupancy is obtained. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-107-10.**

RE: Appeal of Terry Garrett, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 12615 Luke Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 04, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, noting the conditions of the property depicted by the photographs and the testimony of the inspector, a motion is in order at this time to REMAND the property at 12615 Luke Avenue to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

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**Docket A-108-10.**

RE: Appeal of AAA Cleaning Painting & Pressure Washing LLC, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 2886 East 114th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated November 11, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all permits and three (3) months in which to abate all exterior violations and six (6) months in which to abate all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-109-10.**

RE: Appeal of Thomas Streeter, Owner of the Property located on the premises known as 12709 Forest Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated April 23, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-109-10 has been POSTPONED; to be rescheduled for August 18, 2010.

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**Docket A-110-10.**

RE: Appeal of Anthony Whitt, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 665 East 107th Street from a 30 DAY FIRE CONDEMNATION ORDER—MAIN STRUCTURE, dated September 18, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all permits and ninety (90) days in which to complete abatement of all exterior violations and make the property weather tight, and one hundred eighty (180) days in which to complete abatement of all violations and obtain a Certificate of Occupancy. Failure to meet any of these dates, will REMAND the property immediately to the Department of Building and Housing for supervision and any required further action. The property is REMANDED at this time to the

Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

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**Docket A-112-10.**

RE: Appeal of Junior Jay, Owner of the S-1 Storage - Moderate Hazard (Combustibles) Two Story Masonry Property located on the premises known as 7219

Carnegie Avenue from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated March 05, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

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**Docket A-113-10.**

RE: Appeal of Jennifer J. Poe, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 11912 Dove Avenue from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated October 28, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued in accordance with the requirements of the City, and to grant the Appellant August 04th, 2010 in which to achieve compliance with all the issues. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

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**Docket A-114-10.**

RE: Appeal of Anthony Drury & Margaret Drury, Owners of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 3459 West 52nd Street from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated May 08, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant and the City thirty (30) days in which to conduct an interior inspection and determine the condition of the house for possible condemnation. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required

further action, noting that the Violation Notice, by the condition of the property was properly issued. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

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**Docket A-269-10.**

RE: Appeal of Cuyahoga County/Department of Central Services, Owner of the Property located on the premises known as 9300 Quincy Avenue from an ADJUDICATION ORDER, dated May 26, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance required to permit sprinklers on both sides of the door and the operational procedure of two (2) protectors to open and close the doors anytime other than when clients are exiting, and are moving through the door opening to constitute an accessible two-hour fire rating for the corridor as a part of the condition of the variance; granting the exact operation of all parts of the door and the door supervision shall be submitted in writing to the Division of Fire and the Department of Building and Housing. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

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**Docket A-297-10.**

RE: Appeal of Geneva Childress, Owner of the Property located on the premises known as 11200 Glenboro Drive from an ADJUDICATION ORDER, dated July 27, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance required for the installation of the wheelchair as installed. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**AMENDED EXTENSION OF TIME:**

**Docket A-283-09 - Christine Harper C/O Brandon Harper - 1405 East 115th Street:**

A motion is in order at this time to grant the Appellant thirty (30) days in which to file the proper documents indicating the extent of the work and proper budgeting; and six (6) months in which to abate all violations. Failure to meet either date REMANDS the property immediately to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

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**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Saunders and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the

Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-5-10—Cleveland Municipal School District.
- A-6-10—Cleveland Municipal School District.
- A-7-10—Cleveland Municipal School District.
- A-8-10—Cleveland Municipal School District.
- A-70-10—Amber L. Benson.
- A-90-10—Terika L. Webb.
- A-91-10—Hosea Lock.
- A-93-10—Thor Real Estate.
- A-94-10—Thor Real Estate.
- A-95-10—Theodore Cloud.
- A-96-10—Theodore Cloud.
- A-97-10—Shaun Collins.
- A-201-10—Macron Investment Company.
- A-270-10—United Methodist Church.

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

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**APPROVAL OF MINUTES**

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

July 21, 2010

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

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JOSEPH F. DENK,  
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

**S**ealed 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 minor-

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

**WEDNESDAY, AUGUST 25, 2010**

**File No. 132-2010 — Exterminating Services (Re-Bid)**, for the various Divisions of City government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

There will be a **NON-MANDATORY** Pre-bid meeting Monday, August 16, 2010 at 10:30 a.m. Cleveland City Hall, Division of Purchases and Supplies, Room 128, Cleveland, Ohio 44114

August 4, 2010 and August 11, 2010

**THURSDAY, AUGUST 26, 2010**

**File No. 129-2010 — Cleveland Public Auditorium Interior Door Improvements**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 648-08, passed by the Council of the City of Cleveland, July 2, 2008.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, AUGUST 12, 2010 AT 2:00 P.M. THE CLEVELAND PUBLIC AUDITORIUM, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114 \*\*\*\***PLEASE MEET IN THE SECURITY DESK INSIDE THE NORTHWEST ENTRANCE\*\*\*\*.**

**File No. 130-2010 — Hydrofluosilicic Acid**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1630-92, Section 129.24 passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, AUGUST 13, 2010 AT 3:30 P.M. THE CARL B. STOKES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 131-2010 — Corrosion Control Chemical**, for the Division of Water, Department of Public Utilities, as authorized by Ordi-

nance No. 1630-92, Section 129.24 passed by the Council of the City of Cleveland, September 21, 1992. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, AUGUST 13, 2010 AT 2:30 P.M. THE CARL B. STOKES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

August 4, 2010 and August 11, 2010

**WEDNESDAY, SEPTEMBER 8, 2010**

**File No. 133-2010 — Purchase Storage Cabinets with Parts and Accessories**, for the Various Divisions of the Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, AUGUST 20, 2010 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193

**File No. 134-2010 — Labor and Materials Necessary to Repair and Maintain Plate Trucks (Re-bid)**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, AUGUST 20, 2010 AT 10:00 A.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, WPC GREEN CONFERENCE ROOM, CLEVELAND, OHIO 44108.

August 11, 2010 and August 18, 2010

**THURSDAY, SEPTEMBER 9, 2010**

**File No. 139-2010 — Labor and Materials Necessary to Maintain Electronic Security Systems (Re-Bid)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 900-09, passed by the Council of the City of Cleveland, August 5, 2009.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, AUGUST 19, 2010 AT 2:30 P.M. THE NOTTINGHAM WATER PLANT, NOTTINGHAM TRAINING CENTER, 1300 CHARDON ROAD, CLEVELAND, OHIO 44117

August 4, 2010 and August 11, 2010

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

**Wednesday, August 4, 2010 12:00 p.m.**

**Public Service Committee:** Present: Miller, Chair; Cummins, Vice Chair; Dow, Keane, Polensek, Pruitt. **Authorized Absence:** Cleveland, K. Johnson, Sweeney.

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

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