

# The City Record

Official Publication of the Council of the City of Cleveland



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November the Third, 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

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – 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, NOVEMBER 3, 2010

No. 5056

## CITY COUNCIL

MONDAY, NOVEMBER 1, 2010

The City Record  
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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

9:30 A.M. — **Health and Human Services Committee:** Cimperman, Chair; J. Johnson, Vice Chair; Conwell, Keane, Kelley, 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 measures will be on their final passage at the next meeting:

NONE

### BOARD OF CONTROL

October 27, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 27, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Absent: Mayor Jackson, Directors Dumas and Nichols.

Others: James Hardy, Commissioner, Purchases and Supplies.

Natoya Walker-Minor, Director, Office of Equal Opportunity.

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

#### Resolution No. 438-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of September, 2010 in the amount of

\$12,768,28, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Nichols.

#### Resolution No. 439-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dorothy Johnson dba Square Deal Carwash, for an estimated quantity of citywide cars, vans, SUV's & EMS washing services, for items 1 & 2 interior and exterior, District 3, Burke, City Hall, CWD, CPP, EMS, Health, Parking, Municipal Court and Waste Collection, for various divisions of City government, for a period of two years, beginning with the date of execution of the contract, with an option to renew for one additional year, received on September 23, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$20,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance 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 sum of not less than \$1,000.00.

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: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Nichols.

#### Resolution No. 440-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hathorn Enterprises, LLC dba Shaker Auto Wash & Detail, for an estimated quantity of citywide cars, vans, SUV's & EMS washing services, for items 1, District 4 interior and exterior, for various divisions of City government, for a period of two years, beginning with the date of execution of the contract, with an option to renew for one additional year, received on September 23, 2010,

under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$10,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance 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 sum of not less than \$500.00.

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: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Dumas and Nichols.

**Resolution No. 441-10.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Erie Shore Holding, Inc., for an estimated quantity of citywide cars, vans, SUV's & EMS washing services, for items 1, District 1 & 2, exterior coin operator only, for various divisions of City government, for a period of two years, beginning with the date of execution of the contract, with an option to renew for one additional year, received on September 23, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$10,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance 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 sum of not less than \$500.00.

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: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Dumas and Nichols.

**Resolution No. 442-10.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Commercial Door Service Inc., dba Cleveland Key & Security, for an estimated quantity of keys, locks and hardware services, all items, for various divisions of City government, for a period of two years, beginning with the date of execution of the contract, received on September 8, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976,

which on the basis of the estimated quantity would amount to \$120,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance 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 sum of not less than \$6,000.00.

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: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Dumas and Nichols.

**Resolution No. 443-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 727-10, passed by the Council of the City of Cleveland on June 7, 2010, ARCADIS U.S., 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 be employed by contract to provide professional consulting services for the General Engineering Services VI project, which requires general engineering, architectural, and other services including, but not limited to, design services, construction inspection services, structural and geotechnical analysis services, permit application services, materials testing and analysis services, risk assessment services, cost-benefit analysis services, laboratory and monitoring services, environmental and safety consulting services, remediation and disposal services, hazardous material remediation and disposal services, water quality and treatment process assessments and analysis services, and other related professional consulting services, for a period of two years, on an as-needed basis, 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 ARCADIS U.S., Inc. based upon its proposal dated, July 21, 2010, which contract shall be prepared by the Director of Law, shall provide that the compensation for the professional services described in the proposal shall not exceed \$3,296,166.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by ARCADIS U.S., Inc. under the contract authorized above is approved:

<u>SUB-CONSULTANT</u>	<u>WORK PERCENTAGE</u>
Somat Engineering of Ohio, Inc. (CSB/MBE)	\$200,000.00 6.068%
Sigma of Ohio, LLC (CSB)	\$200,000.00 6.068%

Euthenics, Inc. (CSB)	\$200,000.00 6.068%
SE Blueprint, Inc. (CSB)	\$ 30,000.00 0.910%
DLZ Ohio, Inc.	\$300,000.00 9.101%

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Dumas, Carroll and Nichols.

**Resolution No. 444-10.**

By Director Withers.

Whereas, under the authority of Ordinance No. 984-07, passed by the City of Cleveland Council on August 8, 2007, the City of Cleveland, through the Director of Public Utilities, entered into an agreement with Ventyx, City Contract No. 67844, for professional services necessary to maintain the Ventyx Customer Suite, Service Suite and Asset Suite software, including new releases, patches and fixes, technical support and product research and improvement for the one-year period stating August 1, 2008, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, under the authority of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O."), and Resolution No. 27-10, adopted by this Board of Control on January 27, 2010, the City of Cleveland, through the Director of Public Utilities, entered into a first modification (numbered as PS2010\*61) to Contract No. 67844 for professional services necessary to maintain the Ventyx software system for the one-year period starting August 1, 2009; and

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

Whereas, division (d) of Section 181.102 C.O. authorizes a director, previously authorized to contract with a software developer or vendor to acquire software, to enter into an agreement with the developer or vendor for professional services necessary to perform as-needed services to implement or maintain the software products, including but not limited to, maintenance, repair, upgrades, migration, enhancements and technical support; and

Whereas, under division (d) of Section 181.102 C.O., the City intends to enter into a second modification to Contract No. 67844 with Ventyx, Inc. for additional maintenance and technical support services to implement and maintain the Ventyx Customer Suite, Service Suite and Asset Suite software for one year starting August 1, 2010; and

Whereas, under the authority of division (d) of Section 181.102 C.O., the City intends to enter into an agreement with Ventyx, Inc. for the professional services necessary to determine the scope, deliverables, and services necessary to migrate CPP from the Ventyx Customer Suite 4.1 to Customer Suite 4.2; and

Whereas, Consultant has proposed by its October 4, 2010 Order Form for Technical Currency Agreement to

perform the additional maintenance and technical support services under the second modification for a fee of \$148,026.00; and,

Whereas, Consultant has proposed by its September 30, 2010 Migration Scope Statement of Work (SOW) to perform the migration study for a fee of \$75,060.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, under division (e) Section 181.102 C.O., that the compensation to be paid Ventyx Inc. for additional maintenance and technical support services for the Ventyx Customer Suite, Service Suite, and Asset Suite software under the second modification to Contract #67844 shall be fixed at \$148,026.00.

Be it further resolved by the Board of Control that, under division (e) Section 181.102 C.O., the compensation to be paid to Ventyx Inc. under the agreement for professional services necessary to determine the scope, deliverables, and services necessary to migrate CPP from Ventyx Customer Suite 4.1 to Customer Suite 4.2 software, shall be fixed at \$75,060.00.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Carroll and Nichols.

**Resolution No. 445-10.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 17, 2010 for an estimated quantity of labor and materials to maintain electronic security system, all items, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 900-09, passed August 5, 2009, are rejected.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Carroll and Nichols.

**Resolution No. 446-10.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Disconnect, LLC for an estimated quantity of labor and materials to repair and maintain the Supervisory Control and Data Acquisition System (SCADA) (all items), for the Division of Water Pollution Control, Department of Public Utilities, for a period of two (2) years starting upon the execution of the contract, received on July 15, 2010, under the authority of Ordinance No. 503-09, passed on June 1, 2009, which on the basis of the estimated quantity would amount to \$185,615.00, is affirmed and approved as the lowest and best bid; and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for the initial order, the cost of which shall be certified to the contract in an amount not less than \$60,000.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement for the goods and/or services, whether more or

less than the estimated quantity, as may be ordered under delivery orders separately certified against the contract.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Carroll and Nichols.

**Resolution No. 447-10.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Carus Corporation, except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of corrosion control chemical, Option 1, bid item 1, for the Division of Water, Department of Public Utilities, for a period of one year starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on August 26, 2010 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$453,100.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$177,300.00.

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: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Carroll and Nichols.

**Resolution No. 448-10.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 26, 2010 for corrosion control chemical, Option 2, bid item 1, for the Division of Water, Department of Public Utilities, under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Carroll and Nichols.

**Resolution No. 449-10.**

By Director Cox.

Whereas, Board of Control Resolution No. 211-10, adopted May 26, 2010, authorized the Director of Parks, Recreation and Properties to enter into contract with Aaron Landscaping, for an estimated quantity of Citywide Tree Planting services for the base items: 6, 12, 19, 20, 22, and 28; and

Whereas, Board of Control Resolution No. 211-10 required that the initial amount certified against the contract be no less than \$50,000.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 211-10, adopted May 26, 2010 is amended to read that the initial amount certified against the contract be \$25,992.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Nichols.

**Resolution No. 450-10.**

By Director Cox.

Whereas, under the authority of Ordinance No. 502-10, passed by the Council of the City of Cleveland on May 10, 2010, and Board of Control Resolution No. 229-10, adopted by this Board on June 2010, the City, through the Director of Parks, Recreation and Properties ("Director") entered into City Contract No. 2010-154 with Nationwide Protective Services, Inc. ("Nationwide") to provide armed security services at various indoor and outdoor recreation facilities for an amount not to exceed \$400,000.00, and the Director terminated the agreement due to Nationwide's default, effective October 18, 2010; and

Whereas, the City must continue to obtain security services for the various recreations center and outdoor pools, and R-Cap, Ltd dba R-Cap Security submitted a proposal to provide those services from October 18, 2010 through August 31, 2010; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 502-10, passed by the Council of the City of Cleveland on May 10 2010, R-Cap, Ltd dba R-Cap Security is selected from a list of firms determined after a full and complete canvass by the Director of Parks, Recreation and Properties as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to supply armed, uniformed, commissioned officers at the various recreation facilities for the Division of Recreation, Department of Parks, Recreation and Properties.

Be it further resolved by the Board of Control of the City of Cleveland, that this Board authorized the Director of Parks, and Properties to enter into written contract with R-Cap, Ltd dba R-Cap Security, to supply armed, uniformed, commissioned officers at the various recreation facilities beginning October 18, 2010 and ending August 31, 2011, which contract shall be prepared by the Director of Law and shall include such additional provisions as the Director considers necessary to benefit and protect the public interest and shall provide the fees for services to be performed under the authorized contract shall be \$31.50 per office-hour and shall not exceed an aggregate amount of \$240,000.00.

Yeas: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Dumas and Nichols.

**Resolution No. 451-10.**  
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. 117-16-009, located at 1843 Haldane from HUD; and

Whereas, Glenn West and Deja West (husband and wife) 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 under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 117-16-009 to Glenn West and Deia West 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: Directors Triozzi, Withers, Acting Director Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Marion, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson, Directors Dumas and Nichols.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

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

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

ROBERT BENNETT,  
President

**CIVIL SERVICE NOTICE**

**ANNOUNCEMENTS — 2010**  
**11/5/2010 — 11/11/2010**

Announ- ment No.	Exam Method	Classi- fication	Exam Type
70	EE	Assistant Contract Compliance Officer	Open

**PROOF OF CITY RESIDENCY**

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing.** The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current.** Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.
- Post Office change of address form properly date stamped.
- Official documents relating to home ownership including deed, purchase agreement, or insurance policy.

- Bank statements (Within last three months).
- School registration of children.
- Car insurance documents.
- Car registration **or** Driver's License **or** Ohio I.D. (**One only**).
- Loans and credit card statements (Within last three months).
- Rental contracts (e.g.: furniture, tools, car, etc.).
- Current bills not listed above (Within last three months).

The following are examples of **unacceptable** categories of proof:

- Library cards.

- Voter registration cards.
- Birth certificates.
- Notarized letters or affidavits.
- Social Security card.
- Rental receipts from independent party without cancelled checks or money order receipt.

**APPROVED C.S.C. MINUTES**  
**ANNOUNCEMENT NO. 70**

**ASSISTANT CONTRACT COMPLIANCE OFFICER (OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

**SALARY**

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,092.80 - \$55,191.48 per year.

**FILING OF APPLICATION**

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON FRIDAY, NOVEMBER 5, 2010 UNTIL 4:30 P.M. ON THURSDAY, NOVEMBER 11, 2010.**

**NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, NOVEMBER 11, 2010.**

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**EXAMINATION INFORMATION**

**TYPE: EXPERIENCE EVALUATION:** Sixty percent of the applicant's grade will be determined based on Education and Experience found in Resume and Application.  
**ORAL INTERVIEW:** Forty percent of the applicant's grade will be determined based on questions asked by a panel of reviewers

**NOTE:** Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

**NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.**

**DUTIES OF THE POSITION**

Under supervision, provides assistance with the contract compliance process. Records contract awards related to OEO programs. Analyzes and synthesizes required documentation and forms such as IRS, Tax, Insurance, Bonding, Site Reports, etc. Reviews and logs in certification applications. Maintains file of certified Minority, Female, and Small Business Enterprises. Provides OEO program information to businesses

and other City departments. Evaluates contracts for compliance with Affirmative Action requirements. Collects information concerning certified business participation and affirmative action from bid openings. Attends pre-bid and pre-award meetings. Interviews business clients applying for certification as bona fide minority and female business enterprises. Monitors contractors to ensure continued contract compliance. Manages multiple projects simultaneously. Performs general clerical duties. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

**MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:**

A High School Diploma or G.E.D. is required. A Bachelor's Degree from an accredited four year accredited college or university is required. The equivalent of two years of full time paid experience in governmental, and ideally municipal regulatory compliance is required. Must have the ability to analyze and synthesize required documentation (IRS, Tax, Insurance, Bonding, Site Reports, etc.) Training or experience in project, contract, or case management or site monitoring is required. (Substitution: Two years of full time paid experience in governmental regulatory compliance may substitute for each year of college education lacking.) Exceptional verbal and written communication skills are required. A working knowledge of Microsoft Office Suites is required. A valid State of Ohio Driver's License is required.

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance or indigence is exempt from the filing fee.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

**AN EQUAL OPPORTUNITY EMPLOYER**

ROBERT BENNETT,  
President

November 3, 2010

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, NOVEMBER 15, 2010**

**9:30 A.M.**

**Calendar No. 10-199:** 4210 Franklin Boulevard (Ward 3)

Ronald and Jennifer O'Leary appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Cleveland Codified Ordinances from the decisions of the Cleveland Department of Building and Housing and issuing of Permit No: B10034525 dated September 13, 2010, granting permission to establish use of a three-story wood frame boarding house located in B1 Two-Family District at 4210 Franklin Boulevard as a youth hostel with 11 rooming occupancies.

**Calendar No. 10-200:** 17000 St. Clair Avenue (Ward 11)

CiC Holdings Ltd., owner, and Aljon LLC, tenant, appeal to use acreage located in Semi-Industry and General Industry Districts for acceptance and storage of yard waste for processing/manufacturing of mulch for wholesale purchase, contrary to Section 345.04(c)(2)(G) of the Cleveland Codified Ordinances that specifically prohibits fertilizer manufacture from phosphates or organic matter in a General Industry District.

**Calendar No. 10-207:** 1001 Fairfield Avenue (Ward 3)

Gillota Fuel Products Inc., owner, appeals to establish use, to maintain a gas station and repair garage, located on a 95' x 66' corner parcel in a General Retail Business District; contrary to Sections 352.08 through 352.11, no landscaping is provided and a landscaping strip 10 feet wide is required along the rear property line where the lot abuts a Residence District and a landscaping strip 4 feet wide is required along the street frontages; contrary to Section 343.18(d), a driveway width exceeds the maximum of 30 feet; and a repair garage is first permitted in a Semi-Industry District, provided that the use is not less than 100 feet from a Residence District as stated in Section 345.03(c)(2) of the Cleveland Codified Ordinances.

**Calendar No. 10-212:** 1500 Franklin Boulevard (Ward 3)

Cuyahoga Metropolitan Housing Authority, owner, and Ohio City Near West Development Corporation, lessee, appeal to erect a farm stand for sale of agricultural produce or related products on acreage placed in a Multi-Family District; subject to Section 337.25(d)(3), no such use nor farm stand for the sale of such products may be located on property unless the Board of Zoning Appeals determines, after public notice and hearing, that the farm stand and sales will meet a community need without adversely affecting the neighborhood and in their determination the Board will consider, among others, (A) the nature of nearby uses of land with respect to their sensitivity to the activity associated with farm stand sales; (B) the proximity of the farm stand to one and two family houses; (C) traffic volumes on the street

where the subject property is located; (D) availability of off-street or on-street parking to serve the farm stand; (E) the proximity of other farm stands serving the immediate area; and, (F) the maintenance of a substantially unobstructed view in the setback area which shall include a clear view through the farm stand above a height of three feet.

**Calendar No. 10-213:** 4051 St. Clair Avenue (Ward 3)

Bromo Information Technology Ltd., owner, and Maurice Wynn, lessee, appeal to change the use from an indoor theater to a bar with entertainment in an existing one-story building on a 70' x 140' lot located between and connected to two four-story buildings in a Residence Industry District; subject to Section 359.01(a) the proposed change is a substitution of a non-conforming use that requires the Board of Zoning Appeals approval where a zoning variance for a prior nonconforming use was granted; and within a Residence Industry District no building or premises shall be erected, altered, used, arranged or designated to be used in whole or in part unless: entrance or exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or if the premises in question does not abut such street, then from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area as stated in Section 345.02(f) of the Cleveland, Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, NOVEMBER 1, 2010**

At the meeting of the Board of Zoning Appeals on Monday, November 1, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 10-184:** 917 East 105th Street

Subi Mahmoud appealed to construct a gas station and convenience store with a drive-through on consolidated corner parcel in Local Retail Business and Two-Family Districts; subject to condition.

**Calendar No. 10-148:** 3207 West 65th Street

Marc Wyman d.b.a. Aaromet Metal Recycling appealed to install 6.6 foot high solid fence and to maintain an 8.9 foot high wall along the front yard of a lot in an Unrestricted Industry District.

**Calendar No. 10-170:** 17119 Lorain Avenue

Patrick Campbell appealed to expand a bar and restaurant to include the basement and second floor, live entertainment and a dance studio/school in a Local Retail Business District.

The following appeal was **Denied:**  
**Calendar No. 10-189:** 1355 West 74th Street  
 Loretta Colyer appealed to install wood picket fence 4 feet high and 6 feet high in the front and side yards of a parcel in a Two-Family District.

The following appeals were **Withdrawn:**  
 None.

The following appeal was **Postponed:**  
**Calendar No. 10-194:** 4300 Bradley Road postponed to December 20, 2010.

The following appeals heard by the Board on October 25, 2010 were adopted and approved on November 1, 2010.

The following appeals were **Approved:**

**Calendar No. 10-188:** 4129 East 169th Street  
 Marvin Johnson, Jr. appealed to erect a 21' x 26' one-story breezeway between a one family dwelling and a garage in an A1 One-Family District.

**Calendar No. 10-191:** 12645 Lorain Avenue  
 The Salvation Army appealed to construct a one-story addition and parking lot in a General Retail Business and One-Family Districts.

**Calendar No. 10-193:** 13400 Sherry Avenue  
 Timothy Gorey appealed to install 60 linear feet of 6 foot high vinyl privacy fence set back one foot from the side street yard property line in a One-Family District; subject to conditions.

**Calendar No. 10-129:** 4219 Orchard Avenue  
 Michael Rastatter appealed to erect a metal two-story single family residence in a Two-Family District.

The following appeal heard by the Board on October 18, 2010 was adopted and approved on November 1, 2010:

The following appeal was **Approved:**

**Calendar No. 10-180:** 12500 Buckeye Road  
 Ann Marie Ogletree appealed to construct a parking lot and three car garage in a Local Retail Business and Two-Family Districts.

The following appeal heard by the Board on September 27, 2010 was adopted and approved on November 1, 2010.

The following appeal was **Approved:**

**Calendar No. 10-133:** 2814 Detroit Avenue  
 Bounce Properties LLC appealed to construct a 703 square foot outdoor patio deck to a legal nonconforming night club in a Semi-Industrial District; subject to conditions.

Secretary

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

Re: Report of the Meeting of October 27, 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-179-10.**  
 RE: Appeal of Deborah Evans, Owner of the Two Dwelling Units Two Family Residence Two & One/half Story Frame Property located on the premises known as 10021 Hampden Avenue from a 30 DAY CONDEMNATION ORDER—MS, dated November 24, 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 six (6) months in which to complete abatement of the violations with extensions if satisfactory progress is being made. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-180-10.**  
 RE: Appeal of Ohio Redevelopment Group LLC, Owner of One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 3292 East 130th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 30, 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 two (2) weeks in which to obtain all required permits and six (6) months in which to complete abatement of the violations; the property is to be maintained boarded and the grounds groomed during that period of time. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-181-10.**  
 RE: Appeal of Ohio Development Group LLC, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 12617 Forest Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated April 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 two (2) weeks in which to obtain all required permits and six (6) months in which to complete abatement of the violations; the property is to be maintained boarded and the grounds groomed during that period of time. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-186-10.**  
 RE: Appeal of Citibank NA, Mortgagee of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 3050 East 130th Street from a CONDEMNATION ORDER—MAIN STRUCTURE & GARAGE, dated March 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 Condemnation Order was properly issued, but that Citibank is not the mortgagee and is not in possession or control 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. Bradley and seconded by Mr. Saab.

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

\* \* \*

**Docket A-188-10.**  
 RE: Appeal of Wells Fargo Bank, N.A., Mortgagee of One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 3698 East 61st Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 16, 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 3698 East 61st Street to the Department of Building and Housing for supervision and any required further action, noting that no rehabilitation progress has taken place nor been initiated, and based upon comments, both by the Appellant and the City, there is no evidence of ownership of the property by Wells Fargo Bank, N.A. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-189-10.**  
 RE: Appeal of Luis D. Diaz Martinez, Owner of Three Dwelling Units Three-Family Residence Two



& One/half Story Frame Property located on the premises known as 2150 West 83rd Street from a LIMITATION ON THE PERMIT, dated May 17, 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) months additional time on the permit to complete abatement of all violations, noting the condition of the property that indicates very good progress. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-301-10.**

RE: Appeal of Raymond A. Weeden Sr., Owner of the One Dwelling Unit Single-family Residence One Story Frame Property located on the premises known as 17630 Tarkington Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE & GARAGE, dated July 15, 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-301-10 has been POSTPONED; to be rescheduled for November 10, 2010.

\* \* \*

**Docket A-306-10.**

RE: Appeal of Paul Bearden, Owner of One Dwelling Unit Single-Family Frame Property located on the premises known as 17902 Canterbury Road from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated July 15, 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-306-10 has been POSTPONED; to be rescheduled for November 10, 2010.

\* \* \*

**Docket A-309-10.**

RE: Appeal of Eagle II LLC, Owner of R-2 Residential - Non-transient; Apartments (Shared Egress) Three Story Masonry Walls/Wood Floors Property located on the premises known as 9216 Miles Park Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated May 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 Appellants appeal request for additional time, and to REMAND the property at 9216 Miles Park 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. Gallagher.

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

**Docket A-332-10.**

RE: Appeal of Ohio Redevelopment Group LLC, Owner of One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 2537 East 86th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated July 15, 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 two (2) months in which to obtain all required permits and six (6) months in which to complete abatement of the violations; the property is to be maintained boarded and the grounds groomed during that period of time; failing to meet any of the deadlines will REMAND the property immediately to the Department of Building and Housing. 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.

\* \* \*

**Docket A-341-10.**

RE: Appeal of Steve Gomillion, Owner of Property located on the premises known as 801 Literary Road from an ADJUDICATION ORDER, dated July 21, 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 to the requirement for a sprinkler system and that the variance extends only for the owner occupied residence on the second and third floors; that a hard-wired smoke detector system with alarms be installed throughout the premises, and that any permits obtained for the mercantile area for the first floor, must comply with the codified ordinances. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

**Docket A-405-10.**

RE: Appeal of Anthony Schilero, Owner of Property located on the premises known as 19800 S. Waterloo Road from an ADJUDICATION ORDER, dated October 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).

No action required this date. The docket is withdrawn with the right to come back to the Board for any future appeals.

\* \* \*

**Docket A-408-10.**

RE: Appeal of Fay Harris, Owner of Residential Property located on the premises known as 1810 West 47th Street from a PERMISSION TO ENTER ADJOINING PROPERTY AT 1810 WEST 47TH STREET,

dated October 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 find that the City's actions to grant permission to enter adjoining property was properly executed. The issue 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.

\* \* \*

**Docket A-413-10.**

RE: Appeal of Boulevard Terrace Apartments, Ltd. C/O Harvey G. Oppmann, Owner of the Property located on the premises known as 10119 Detroit Avenue from an ADJUDICATION ORDER, dated July 16, 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).

No action this date.

\* \* \*

**Docket A-414-10.**

RE: Appeal of Boulevard Terrace Apartments, Ltd. C/O Harvey G. Oppmann, Owner of the Property located on the premises known as 10114 Detroit Avenue from an ADJUDICATION ORDER, dated July 16, 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).

No action this date.

\* \* \*

**Docket A-415-10.**

RE: Appeal of Boulevard Terrace Apartments, Ltd. C/O Harvey G. Oppmann, Owner of the Property located on the premises known as 10105 Madison Avenue from an ADJUDICATION ORDER, dated July 16, 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).

No action this date.

\* \* \*

**Docket A-416-10.**

RE: Appeal of Boulevard Terrace Apartments, Ltd. C/O Harvey G. Oppmann, Owner of the Property located on the premises known as 10115 Detroit Avenue from an ADJUDICATION ORDER, dated July 16, 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).

No action this date.

**Docket A-417-10.**

RE: Appeal of Boulevard Terrace Apartments, Ltd. C/O Harvey G. Oppmann, Owner of the Property located on the premises known as 10113 Detroit Avenue from an ADJUDICATION ORDER, dated July 16, 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).

No action this date.

\* \* \*

**Docket A-418-10.**

RE: Appeal of Neal Terrace Apartments, Ltd. C/O Harvey G. Oppmann, Owner of the Property located on the premises known as 8811 Detroit Avenue from an ADJUDICATION ORDER, dated July 16, 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).

No action this date.

\* \* \*

**EXTENSION OF TIME:**

**Docket A-200-08** - AW Real Estate Investments, LLC C/O Angela Williams - 936 East 73rd Street:

A motion is in order at this time to grant the Appellant four (4) weeks in which to submit plans to the Building Department for review. 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.

\* \* \*

**Docket A-409-09** - Charles L. Brown Jr. - 10433 Crestwood Avenue:

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

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

A-158-10 - Greater Faith Missionary Baptist Church.

Yeas: Messrs. Denk, Bradley, Sullivan. Nays: Messrs. Saunders, Saab. Not Voting: Mr. Gallagher.

\* \* \*

Separate motions were entered by Mr. Saab 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-162-10 - William C. Shorter.
- A-165-10 - Edward Morton.
- A-166-10 - Katrina Dial.
- A-167-10 - John Anderson.
- A-168-10 - Joseph A. Taverna & Michael J. Yunis.
- A-170-10 - Dale W. Mitchell.
- A-171-10 - Danny D. Pride.
- A-173-10 - Mary Willoughby.
- A-174-10 - Darold Alexander.
- A-176-10 - Ryan M. Craig.
- A-177-10 - David M. Stokes.
- A-178-10 - John Claude Tanner.
- A-182-10 - Eric Duong.
- A-185-10 - 72 East, LLC.
- A-323-10 - Carl Covington.
- A-324-10 - Michael Caldwell.
- A-389-10 - Tripod Tavern, Inc.
- A-390-10 - Cleveland Clinic Foundation.

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Not Voting: Mr. Gallagher.

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Saunders and seconded by Mr. Saab 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):

October 13, 2010

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Not Voting: Mr. Gallagher.

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

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

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

**WEDNESDAY, NOVEMBER 17, 2010**

**File No. 169-2010 - Kerruish Park Site Improvements, Phase Three,** for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 597-09, passed by the Council of the City of Cleveland, June 8, 2009.

**THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) 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, NOVEMBER 4, 2010 AT 10:00 A.M. THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.**

October 27, 2010 and November 3, 2010

**THURSDAY, NOVEMBER 18 2010**

**File No. 171-2010 - Aviation Maintenance,** for the Division of Police, Department of Public Safety, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, NOVEMBER 8, 2010 AT 10:00 A.M. THE AVIATION UNIT, 1501 NORTH MARGINAL ROAD, ROOM 108, CLEVELAND, OHIO 44114.**

**File No. 173-2010 - Labor and Materials Necessary to Clean Existing Escalators and Moving Sidewalks,** for the Division of Cleveland Hopkins Airport Port, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 5, 2010 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL**

RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

**File No. 174-2010 — Labor and Materials Necessary to Design, Fabricate and Assemble a Modular, Transit Style Smoking Shelter**, for the Division of Cleveland Hopkins Airport Port, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

**File No. 175-2010 — Various Vehicle and Equipment Anti-Freeze Coolant**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, NOVEMBER 8, 2010 AT 10:30 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**File No. 176-2010 — Various Cummins Engine Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, NOVEMBER 8, 2010 AT 11:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**FRIDAY, NOVEMBER 19, 2010**

**File No. 172-2010 — Wire, Cable and Accessories**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, NOVEMBER 5, 2010 AT 11:00 A.M. THE CLEVELAND PUBLIC POWER DIVISION, TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 27, 2010 and November 3, 2010

**WEDNESDAY, DECEMBER 29, 2010**

**File No. 170-2010 — Runway 10-28 Safety Area Improvements, Phase III - Runway 10 End WBS NO: A1-E233-3**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 589-09 and 498-10, passed by the Council of the City of Cleveland, June 1, 2009 and May 10, 2010, respectively.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWO HUNDRED FIFTY DOLLARS (\$250.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, NOVEMBER 10, 2010 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

October 27, 2010 and November 3, 2010

**WEDNESDAY, NOVEMBER 17, 2010**

**File No. 177-2010 — Gordon Square Fence Improvements**, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 937-10, passed by the Council of the City of Cleveland, July 14, 2010.

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 ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, NOVEMBER 11, 2010 AT 3:00 P.M. THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.

November 3, 2010 and November 10, 2010

**THURSDAY, NOVEMBER 18, 2010**

**File No. 181-2010 — Labor and Materials to Install, Maintain and Repair a System to Electronically Track the Mobile Assets of the Various Divisions of City Government**, for the Divisions of City Government, Department of Finance, as authorized by Ordinance No. 538-09, passed by the Council of the City of Cleveland, May 4, 2009.

THERE WILL BE A **MANDATORY** PRE-BID MEETING TUESDAY, NOVEMBER 16, 2010 AT 2:30 P.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

November 3, 2010 and November 10, 2010

**WEDNESDAY, DECEMBER 1, 2010**

**File No. 178-2010 — City of Cleveland City Hall Office Improvements**, for the Division of

Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 485-07, 1163-08 and 1389-09, passed by the Council of the City of Cleveland, June 11, 2007, August 6, 2008 and September 21, 2009, respectively.

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 ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, NOVEMBER 11, 2010 AT 1:00 P.M. THE BURKE LAKEFRONT AIRPORT, IN THE MAIN CONCOURSE, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.

**File No. 179-2010 — City of Cleveland Zelma Watson George Recreation Center HVAC Replacement**, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 922-07, 1163-08 and 1176-08, passed by the Council of the City of Cleveland, July 11, 2007, August 6, 2008 and November 10, 2008, respectively.

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 ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, NOVEMBER 11, 2010 AT 2:00 P.M. THE BURKE LAKEFRONT AIRPORT, IN THE MAIN CONCOURSE, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.

**File No. 180-2010 — Glenville and Seville Streets Service Facilities Fence Replacement**, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1724-09, passed by the Council of the City of Cleveland, February 10, 2010.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, NOVEMBER 10, 2010 AT 10:00 A.M. DIVISION OF ARCHITECTURE, CLEVELAND CITY HALL, ROOM 517, CONFERENCE ROOM, CLEVELAND, OHIO 44114.

November 3, 2010 and November 10, 2010

**FRIDAY, DECEMBER 3, 2010**

**File No. 182-2010 — Snow Removal of Service**, for the Divisions of Cleveland Public Power, Department of Public Service, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 12, 2010 AT 2:30 P.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

November 3, 2010 and November 10, 2010

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**ADOPTED RESOLUTIONS AND ORDINANCES**

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**Res. No. 1370-10,  
By Council Members Cummins and Kelley.**

**An emergency resolution supporting the Big Creek Watershed Balanced Growth Plan and the Priority Development Areas and Priority Conservation Areas identified therein.**

Whereas, the State of Ohio, through the Ohio Lake Erie Commission's Balanced Growth Program, has identified the need to enhance protection of the State's waters and Lake Erie by supporting local governments to improve planning for development and conservation; and

Whereas, Big Creek is an important part of the Cuyahoga River and Lake Erie ecosystem, providing storm water management, and important recreational opportunities and wildlife habitat, including Cleveland Metroparks resources; and

Whereas, the Cuyahoga River Community Planning Organization developed the *Big Creek Watershed Plan – Balanced Growth and Watershed Stewardship* that identifies priority areas for conservation and development through local government participation in the big Creek watershed communities; and

Whereas, S, the Cuyahoga river Community Planning Organization is seeking endorsement of this *Big Creek Watershed Balanced Growth Plan* by the Ohio Lake Erie Commission in order to permit the local governments in the watershed to seek the benefits and incentives provided by this endorsement; and

Whereas, the Priority Development Areas and the Priority Conservation Areas identified in the *Big Creek Watershed Plan – Balanced Growth and Watershed Stewardship* are to be used by State of Ohio Agencies to guide State activities and programs affecting these areas and they will serve as the basis for special incentives programs to be directed to the Big Creek watershed communities; and

Whereas, the designation of such areas will assist the City of Cleveland to minimize future flooding, erosion, and water quality problems, threats to infrastructure, and reliance on costly engineered solutions to storm water problems; and

Whereas, the Cuyahoga River Community Planning Organization is requested to assist the Friends of Big Creek and seek endorsement of

this Balanced Growth Watershed plan by the Ohio Lake Erie Commission in order to permit the local governments in the watershed to seek benefits and incentives provided by this endorsement; and

Whereas, Cleveland's City Planning Commission adopted the Balanced Growth Watershed plan on June 18, 2010; and

Whereas, the City of Cleveland will consider changes to its regulations and polices necessary to implement Priority Conservation Areas and Priority Development Areas and to act on the findings of additional natural resources and land use data, all to the maximum extent possible; and

Whereas, the City of Cleveland will support and work collaboratively with the Friends of Big Creek and the Cuyahoga River Community Planning Organization; and

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

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

**Section 1.** That this Council supports the Big Creek Watershed Balance Growth Plan and the Priority Development Areas and Priority Conservation Areas identified therein.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Friends of Big Creek, the Cuyahoga River Community Planning Organization, Bob Brown, Director, City Planning Commission, and Mayor Jackson.

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

Adopted October 18, 2010.  
Effective October 29, 2010 without the signature of the Mayor.

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**Ord. No. 1027-10,  
By Council Members Mitchell, Kelley, Brancatelli, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to transfer Permanent Parcel No. 129-05-048 located on Mt. Overlook Avenue to the control, possession, and use of the Department of Community Development for redevelopment purposes.**

Whereas, the Department of Public Utilities desires to transfer certain property under its control to the Department of Community Development; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, requires that such transfer be preceded by an ordinance of Council approving the transfer; and

Whereas, the property to be transferred will become a component of the City of Cleveland's residential land reutilization program, as established by Ordinance No. 717-05, passed July 13, 2005, and, as such, will be regulated by Chapter 5722 of

the Revised Code and Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, regarding acquisition and disposition of the property; and

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

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

**Section 1.** That under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to transfer Permanent Parcel No. 129-05-048 located on Mt. Overlook Avenue to the control, possession, and use of the Department of Community Development:

Permanent Parcel Number 129-05-048

Situated in the city of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot #421 and bounded and described as follows:

Beginning at an iron pin at the intersection of the West line of said Original Lot #421 with the north line of Mt. Overlook Avenue, 40 feet wide;

Thence South 84 12' 10" East, along said North line of Mt. Overlook Avenue, 174.68 feet to a drill hole at the true place of beginning of the parcel herein described:

Course No. 1:

Thence North, 0 01' 40" West, 100.51 feet to an iron pin in the South line of land conveyed to St. Ann's Maternity Hospital by deed dated June 12, 1947;

Course No. 2:

Thence South 84 12' 10" East, along said South line 40.56 feet to an iron pin in the West line of Leisy Estate Subdivision as shown by plat recorded in volume 70, Page 14 of Cuyahoga County Map Records.

Course No. 3:

Thence South 0 17' 30" West, along said West line, 100.46 feet to a point in said North line of Mt. Overlook Avenue;

Course No. 4:

Thence North 84 12' 10" West, 40.00 feet along said North line of Mt. Overlook Avenue to the place of beginning and being further known as Sublot No. 5, as shown by survey and subdivision plat by the C.W. Courtney Engineering Company dated November 1, 1948, be the same more or less, but subject to all legal highways.

**Section 2.** That on consummation of the transfer referenced above, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver the copy to the custody of the Division of Property Management of the Department of Parks, Recreation and Properties.

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

Passed October 25, 2010.  
Effective October 28, 2010.

**Ord. No. 1056-10.**  
**By Council Members Pruitt,**  
**Mitchell and Sweeney (by departmental request).**

**An emergency ordinance to amend Sections 188.01, 188.02 and 188.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended by Ordinance No. 2031-A-02, passed June 10, 2003 and Ordinance No. 67-08, passed February 4, 2008, relating to the Fannie M. Lewis Cleveland Resident Employment Law; and to amend Section 187.20, as amended by Ordinance No. 77-08, passed February 4, 2008, relating to the Cleveland Area Business Code.**

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 187.20, as amended by Ordinance No. 77-08, passed February 4, 2008,

Sections 188.01 and 188.02, as enacted by Ordinance No. 2031-A-02, passed June 10, 2003 and

Section 188.05, as amended by Ordinance No. 67-08, passed February 4, 2008, are amended to read as follows:

**Section 187.20 Decision and Available Sanctions for Noncompliance**

(a) Within five business days after the hearing required by Section 187.18, the Director shall issue and send by certified mail to the Contractor, findings of fact and a determination of compliance or non-compliance with the Code, the Regulations, or any Contract provisions concerning CSB, MBE, or FBE participation. If the Director determines that the Contractor is in compliance with the applicable provisions of the Code, the Director shall issue an appropriate certificate. If the Director determines that the Contractor is in default with respect to any representation upon which it was awarded a certificate or contract or that the Contractor is not in compliance with the applicable provisions of the Code, the Regulations and any Contract provisions concerning CSB, MBE, or FBE participation, the Director, in addition to other remedies available with respect to the foregoing and other defaults under any Contract in question, may take any of the following actions:

(1) Cancel any existing certificate of employment compliance or withhold issuance of a certificate of employment compliance until the Contractor cures the default or complies fully with the applicable provisions of the Code, the Regulations, and any Contract provisions concerning CSB, MBE, or FBE participation;

(2) Recommend that the City withhold all or part of any payments due the Contractor until such time as the Contractor cures the default or is in full compliance with the applicable provisions of the Code, its Regulations and any Contract provisions concerning CSB, MBE, or FBE participation;

(3) Recommend that the City cancel the Contract and declare a forfeiture of any performance bond;

(4) Recommend that the Director of Law take such legal action, whether civil or criminal, as he deems appropriate;

(5) Recommend rescission of the Contract based upon a material breach of the Contract pertaining to CSB, MBE, or FBE participation;

(6) Recommend disqualification of a Bidder, Contractor, or other Business Enterprise from eligibility for providing goods or services to the City for a period not to exceed two (2) years; or

(7) Recommend a claim for payment of damages, including any liquidated damages specified in the Contract.

(b) Notwithstanding any other provision of this section, if the Director determines after an investigative hearing that the City has contracted with a Front Organization and/or that a Contractor has participated with a CSB, FBE, or MBE Contractor in activities that would create a Front Organization, then the Director shall:

(1) Decertify the Contractor and and/or Front Organization;

(2) Not permit the Contractor and/or Front Organization to be certified for a period of not less than one (1) year after a final determination; and

(3) Refer the matter to the City Prosecutor's office for appropriate action.

(c) A decision of the Director under this section is final and may be appealed to the Board of Zoning Appeals by filing a notice of appeal with the Board and a copy to the Director within 15 days of the decision. The Board of Zoning Appeals shall, after a hearing, determine whether the decision of the Director is arbitrary, capricious, or unreasonable. The decision of the Board of Zoning Appeals, in turn, may be reviewed by the Common Pleas Court of Cuyahoga County under Chapter 2506 of the Revised Code, or as otherwise provided by law.

**Section 188.01 Definitions**

For purposes of this chapter, the following words, phrases and terms are defined as follows:

(a) "City" means the City of Cleveland, Ohio.

(b) "Construction Contract" means any agreement whereby the City either grants a privilege or is committed to expend or does expend its funds or other resources, or federal grant opportunities, including without limitation, Community Development Block Grants, Urban Development Action Grants and Economic Development Administration Grants, in an amount of \$100,000 or more, for the erection, rehabilitation, improvement, alteration, conversion, extension, demolition or repair of improvements to real property, including facilities providing utility service and includes the supervision, inspection, and other on-site functions incidental to construction, but does not include professional services. Construction Contract includes any contract that is entered into by a person or entity that receives a grant, loan, privilege, credit, or resources from the City, from its funds or from federal grant opportunities for the poor, minorities and/or unemployed in an amount of \$100,000 or more, for the purpose of erecting, improving, rehabilitating, altering, converting, extending, demolishing, or repairing real property or improvements to real property.

(c) "Construction Worker Hours" means the total hours worked on a Construction Contract by Skilled and Unskilled Construction Trade Workers, whether those workers are

employed by the Contractor or any Subcontractor. In determining the total Construction Worker Hours to be furnished at the construction site, there shall be included the number of hours devoted to all tasks customarily performed on a construction site, whether or not such tasks are, in fact, performed on the construction site. Construction Worker Hours excludes the number of hours of work performed by non-Ohio residents.

(d) "Contractor" means any person or company receiving a Construction Contract from the City of Cleveland, any subdivision of the City, or any individual legally authorized to bind the City pursuant to said contract.

(e) "Director" means the Director of the Office of Equal Opportunity.

(f) "Low-Income Person" means a Resident who, when first employed by a contractor, is a member of a family having a total income equal to or less than the "Section 8" Very Low-Income limit established by the United States Department of Housing and Urban Development. Very Low-Income families are defined as families whose incomes do not exceed 50% of the median family income for the area in which they reside. Income limits are adjusted for family size. A Resident who is not a member of a family shall be considered as a one-person family for this purpose. A Resident shall retain "Low-Income Person" status for a continuous five (5) year period starting upon the OEO's written acknowledgement that the Resident's family income does not exceed the above-stated limit, provided:

(1) the Resident remains employed by the same employer that hired the Resident as a Low-Income Person; and

(2) the Resident remains a Resident during the five-year period.

(g) "Resident" or "Resident of the City" shall mean persons domiciled within the boundaries of City of Cleveland. The domicile is an individual's one and only true, fixed and permanent home and principal establishment.

(h) "Skilled and Unskilled Construction Trade Worker" means all work site foremen, journeymen, including technical engineers, apprentices, construction trainees and elevator construction helpers and apprentices that are in a bona fide apprenticeship training program that is certified by the U.S. Department of Labor, Bureau of Apprenticeship and Training. Also included are other workers appropriate for construction activities. Salaried superintendents are excluded from this special provision.

(i) "Subcontractor(s)" means any person or company that assumes by secondary contract some or all of the obligations of the original Contractor.

**Section 188.02 Employment of City Residents**

(a) Where not otherwise prohibited by federal, state, or local law or the terms of federal or state grants, every Construction Contract shall:

(1) require that one or more Residents perform 20% of the total Construction Worker Hours ("Resident Construction Worker Hours") performed under the Construction Contract;

(2) state the penalties set forth in Section 188.05 for failure to meet the requirement of division (a)(1) of this section; and

(3) require the Contractor and its Subcontractors to use significant effort to ensure that no less than four percent (4%) of the Resident Construction Worker Hours required by this division are performed by Low-Income Persons.

Upon submission of documentary proof of the hours satisfactory to the Director, a Contractor may include in its Resident Construction Worker Hours the hours worked for the Contractor or its Subcontractors by Residents who are Skilled and Unskilled Construction Trade Workers on projects that are not under a Construction Contract, between the dates that work under the Construction Contract begins and ends. A Contractor may also include in its Resident Construction Worker Hours the hours worked by Residents who are graduates of established, bona fide pre-apprenticeship programs approved by the Fannie M. Lewis Advisory Committee, including, but not limited to, the Bricklayers & Allied Crafts Pre-apprenticeship program, Cement Masons Pre-apprenticeship program, or Union Construction Industry Partnership-Apprenticeship Skill Achievement Program ("UCIP-ASAP").

(b) The percentage levels set forth in division (a) of Section 188.02 are intended as minimum requirements for use of Residents under Construction Contracts and shall not be construed as limiting or deferring the full use of Residents beyond this numerical level.

(c) Prior to the commencement of work, each Contractor and Subcontractor shall, if requested by the Director, complete and submit to the Director a work-force table. The table shall identify the estimated work-force requirements for the duration of the job, broken down by trade and month. The Contractor or Subcontractor shall revise the table as required, but not less than once a month.

**Section 188.05 Violation and Penalty**

(a) When work under a Construction Contract is completed, and in the event that the Director determines that the Contractor has failed to fulfill the requirements contained in Section 188.02 concerning Construction Worker Hours performed by Residents of the City or has failed to submit reports as required in Sections 188.02 and 188.04, the City is deemed to have been damaged. Good faith efforts on the part of the Contractor or Subcontractor to provide employment to Residents of the City shall not suffice to replace the actual, verified achievement of the requirements contained in Section 188.02.

(b) If a Contractor breaches a Construction Contract by failing to meet the Resident Construction Worker Hours requirement of Section 188.02, it shall pay the City one-eighth (1/8) of one percent (1%) of the final total amount of the Construction Contract for each percentage by which it fails to meet the requirement or any reduced requirement determined appropriate by the Director according to Section 188.03. If a Contractor does not achieve the Low-Income Person objective, the Director in her or his sole discretion shall determine whether a penalty is appropriate and, if so, the penalty amount the Contractor shall pay the City.

(c) The Director, in addition to any other remedies available for the breaches by a Contractor identified in division (b) of this section or for other defaults under a Construction Contract, may:

(1) Recommend that the City withhold all or part of any payments due the Contractor until such time as the Contractor cures its defaults, pays or credits all penalties or other payments due under the Construction Contract, the Code, or the Standards and Procedures, and is in full compliance with all applicable provisions of the Code, the Construction Contract, and the Standards and Procedures relating to Resident or Low-Income Person employment or reporting;

(2) Recommend, based upon a breach of or default under the Contract relating to Resident or Low-Income Person employment, that the City rescind, cancel, or otherwise terminate the Construction Contract and declare a forfeiture of any performance bond;

(3) Recommend that the Director of Law take such legal action, whether civil or criminal, as he deems appropriate;

(4) Recommend disqualification under Section 181.27 or Section 185.08 of the Codified Ordinances of Cleveland, Ohio, 1976 of a Contractor from eligibility to bid or contract with the City for a period not to exceed two (2) years; or

(5) Recommend that the City make a claim for payment of damages, including any liquidated damages specified in the Contract.

(d) A decision of the Director under this section is final and may be appealed to the Board of Zoning Appeals by filing a notice of appeal with the Board and a copy to the Director within 15 days of the decision. The Board of Zoning Appeals shall, after a hearing, determine whether the decision of the Director is arbitrary, capricious, or unreasonable. The decision of the Board of Zoning Appeals, in turn, may be reviewed by the Common Pleas Court of Cuyahoga County under Chapter 2506 of the Revised Code, or as otherwise provided by law.

(e) Failure to submit, or knowing falsification of, the reports required in Sections 188.02 and 188.04 shall result in a breach of the Construction Contract subject to assessment of the maximum penalty provided in division (b), and the penalty shall be calculated as if no Residents of the City were employed on the construction project in furtherance of the Construction Contract.

(f) No Contractor shall knowingly falsify any required reports, statements or payroll certifications. Any Contractor who knowingly falsifies reports, statements or the certification of payroll data is guilty of a misdemeanor of the first degree and subject to a fine of not more than five thousand dollars (\$5,000). If a Contractor is convicted under this division, that Contractor shall be barred from contracting with the City on any construction project subject to this chapter for a period of five (5) years.

(g) Pending determination by the Director whether a Contractor must pay a penalty under this chapter, the Director may recommend that the City withhold from amounts retained by the City under Section 185.41 and payable to the Contractor,

the amount of any penalty payable by the Contractor under this chapter.

(h) The imposition of any penalty or fine under this section shall not preclude the City from exercising any other rights or remedies to which it is entitled.

(i) All funds collected by the City of Cleveland under division (b) or (c) of this section shall be deposited into a special account which shall be created for the sole purpose of receiving said funds. The funds deposited into this account shall be used for the operation of the Office of Equal Opportunity provided such funds have been appropriated for that purpose, provided there is any necessary legislative authority and provided the funds are used in compliance with all laws or restrictions regarding their use.

(j) No person shall knowingly supply false information to establish that the person is a Resident for purposes of this Chapter. Any person who knowingly supplies false information to establish that he or she is a Resident is guilty of a misdemeanor of the first degree. Upon conviction, such person shall be barred from employment in furtherance of a Construction Contract for a period of five (5) years.

**Section 2.** That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 187.20, as amended by Ordinance No. 77-08, passed February 4, 2008,

Sections 188.01 and 188.02, as enacted by Ordinance No. 2031-A-02, passed June 10, 2003 and

Section 188.05, as amended by Ordinance No. 67-08, passed February 4, 2008, are repealed.

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

Passed October 25, 2010.

Effective October 28, 2010.

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**Ord. No. 1186-10.**  
**By Council Member Mitchell.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 87th Street to Alfred Fluker and Barbara Thompkins.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

**Section 1.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Alfred Fluker and Barbara Thompkins.

**Section 2.** That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 119-32-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lot No. 408, and bounded and described as follows:

Beginning on the center line of East 87th Street (formerly Vienna Street) at a point 1323 feet Southerly (measured along said center line) from its point of intersection with the Southerly line of Cedar Avenue, S.E., (formerly Cedar Avenue); thence Westerly on a line at right angles with said center line of East 87th Street, 25 feet to a point on the Westerly line of East 87th Street and the principal place of beginning

of premises herein described; thence Southerly along said Westerly line of East 87th Street, 40 feet; thence Westerly on a line at right angles with the Westerly line of East 87th Street, 149.35 feet; thence Northerly on a line parallel with said Westerly line of East 87th Street, 40 feet; thence Easterly 149.35 feet to the principal place of beginning and being further known as Sublot No. 28 in Whitaker and Harbaugh's proposed Subdivision of part of Original One Hundred Acre Lot No. 408, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market

Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 25, 2010.

Effective October 28, 2010.

**Ord. No. 1286-10.**

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

**An emergency ordinance to amend Section 47 of Ordinance No. 947-08, passed June 9, 2008, as amended, relating to compensation for various classifications.**

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

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

**Section 1.** That Section 47 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1459-08, passed September 22, 2008, and Ordinance No. 1674-09, passed November 16, 2009, is amended to read as follows:

**Section 47. Hourly Rate - MCEO**

Effective May 1, 2010, compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Construction Equipment - Group A .....	\$27.42	\$45.45
2. Construction Equipment - Group B .....	\$27.27	\$45.30
3. Master Mechanic.....	\$27.92	\$45.95

**Section 2.** That Section 47 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1459-08, passed September 22, 2008, and Ordinance No. 1674-09, passed November 16, 2009, is repealed.

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

Passed October 25, 2010.

Effective October 28, 2010.

**Ord. No. 1321-10.**

**By Council Members Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance approving the Tax Incentive Review Council's Year 2009 recommendations.**

Whereas, under Section 5709.883 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including

fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.883 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by the legislative authority; and

Whereas, under division (D) of Section 5709.883 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

**Section 1.** That the TIRC's Year 2009 recommendations contained in File No. 1321-10-A are approved.

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

Passed October 25, 2010.

Effective October 28, 2010.

**Ord. No. 1416-10.**

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

**An emergency ordinance authorizing the Director of Community Development to make alterations and modifications in Contract No. PI 201000000019 with Dodson & Associates, Inc. for improvements to the kitchen and dining room at North Point Transitional Housing, located at 1550 Superior Avenue, for the Department of Community Development.**

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 Community Development is authorized to make the following alterations and modifications in Contract No. PI 201000000019 with Dodson & Associates, Inc., for improvements to the kitchen and dining room at North Point Transitional Housing, located at 1550 Superior Avenue, for the Department of Community Development:

Subsidiary Additions

Fabric and install plastic laminate window sills	\$ 1,671.00
Install stainless steel preparation table	1,035.00
Install flooring and paint stairway hall	1,918.00
Painting and base for Corridor 101	1,328.00
Floor transition strips in hallway and offices	138.00
ADA compliant handrails and knee-walls	2,981.00
Additional exterior window trim and paint ground floor	833.00
Contingency for unforeseen project close-out work	<u>\$ 2,000.00</u>
Subsidiary Additions	\$11,904.00

Original Contract Amount	\$251,888.00
Subsidiary Additions	<u>+ 11,904.00</u>
REVISED CONTRACT AMOUNT	\$263,792.00

which alteration has been recommended in writing by the Director of Community Development, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Community Development and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$11,904.00 to be paid from Fund No. 19 SF 610, Request No. RQS 8006, RL 2010-181.

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

Passed October 25, 2010.

Effective October 25, 2010.

**COUNCIL COMMITTEE MEETINGS**

**Monday November 1, 2010  
9:30 a.m.**

**Health and Human Services Committee:** Present: Cimperman, Chair;

J. Johnson, Vice Chair; Conwell, Keane, Kelley. *Authorized Absence:* Reed, Zone.

**Wednesday, November 3, 2010  
10:00 a.m.**

**Public Safety Committee:** Present: Conwell, Chair; Polensek, Vice

Chair; Brady, Cummins, Dow, Miller, Mitchell, Zone. *Authorized Absence:* Cleveland.

**1:30 p.m.**

**Public Utilities Committee:** Present: Kelley Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook.

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O—Ordinance; R—Resolution; F—File  
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