

The City Record

Official Publication of the Council of the City of Cleveland



May the Twenty-Fifth, Two Thousand and Sixteen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

Ward	Name	Residence	
1	Terrell H. Pruitt	16920 Throckley Avenue	44128
2	Zack Reed	3734 East 149th Street	44120
3	Kerry McCormack	1429 West 38th Street	44113
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Michael D. Polensek	17855 Brian Avenue	44119
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
11	Dona Brady	1272 West Boulevard	44102
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Brian J. Cummins	3104 Mapledale Avenue	44109
15	Matthew Zone	1228 West 69th Street	44102
16	Brian Kazy	4300 West 143rd Street	44135
17	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer

Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs

Martin J. Flask, Executive Assistant to the Mayor of Special Projects

Monyka S. Price, Executive Assistant to the Mayor, Chief of Education

Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability

Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs

Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development

Dan Williams, Media Relations Director

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director
DIVISIONS:

Architecture and Site Development – _____ Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – James DeRosa, Commissioner

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

DEPT. OF LAW – Barbara A. Langhenry, Director, Gary D. Singletary, Chief Counsel,

Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,

Victor R. Perez, Chief Assistant Prosecutor, Room 106: Robin Wood, Law Librarian,

Room 100

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

Natasha Brandt, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – James Hartley, Interim Treasurer, Room 115

Financial Reporting and Control – James Gentile, Controller, Room 18

Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue

Purchases and Supplies – Tiffany White, Commissioner, Room 128

Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue

Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Robert L. Davis, Director, 1201 Lakeside Avenue
DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer

Water – Alex Margevicius, Commissioner

Water Pollution Control – Rachid Zoghaib, Commissioner

DEPT. OF PORT CONTROL – Fred Szabo, Interim Director, Cleveland Hopkins

International Airport, 5300 Riverside Drive

DIVISIONS:

Burke Lakefront Airport – Khalid Bahlur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Antonette Thompson, Interim Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Samuel Gissentaner, Interim Commissioner

Streets – Frank D. Williams, Interim Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Randall T. Scott, Interim Commissioner

DEPT. OF PUBLIC HEALTH – _____, Director, 75 Erieview Plaza

DIVISIONS:

Air Quality – George Baker, Commissioner

Environment – Chantez Williams, Commissioner, 75 Erieview Plaza

Health – _____, Commissioner, 75 Erieview Plaza

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

DIVISIONS:

Animal Control Services – Edward Jamison, Chief Animal Control Officer, 2690 West 7th Street

Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive

Fire – Patrick Kelly, Chief, 1645 Superior Avenue

Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner

Fair Housing and Consumer Affairs Office – John Mahoney, Manager

Neighborhood Development – Chris Garland, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner

Construction Permitting – Narid Hussain, Commissioner

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

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

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council

Member Brian Cummins, Eugene R. Miller (Board Lawyer), Roosevelt E. Coats, Jenice

Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Gary

Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa

Ryan, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L.

Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan,

Michael Flickinger.

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

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

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516,

Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim

M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.F.

Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Barbara A. Langhenry,

President; Finance Director Sharon Dumas, Secretary; Council President Kevin J. Kelley.

BOARD OF SIDEWALK APPEALS – Capital Projects Director Matthew Spronz, Law

Director Barbara A. Langhenry; Council Member Kenneth L. Johnson.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Barbara A. Langhenry;

Utilities Director Paul Bender; Council President Kevin J. Kelley.

CITY PLANNING COMMISSION – Room 501 – Freddy L. Collier, Jr., Director; Anthony

J. Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean

Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

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

Render, Genesis O. Brown.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan,

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Barbara A. Langhenry; Chairman;

Finance Director Sharon Dumas; Council President Kevin J. Kelley; Councilman

Kevin Kelley.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel

Whalen, Nancy Cronin, Elvin Vauus.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Julie Trott, Chair; Giancarlo

Calicchia, Vice Chair; Laura M. Bala, Freddy L. Collier, Jr., Allan Dreyer, Council

Member Terrell H. Pruitt, Robert Strickland, Donald Petit, Secretary.

AUDIT COMMITTEE – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane

Downing, Donna Sciarappa, Council President Kevin J. Kelley; Law Director Barbara A.

Langhenry.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A

Judge Pinkey S. Carr – Courtroom 15C

Judge Marilyn B. Cassidy – Courtroom 13A

Judge Michelle Denise Earley – Courtroom 14C

Judge Emanuella Groves – Courtroom 14B

Judge Lauren C. Moore – Courtroom 14A

Judge Charles L. Patton, Jr. – Courtroom 13D

Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B

Judge Michael R. Sliwinski – Courtroom 12A

Judge Janet Rath Colaluca – Courtroom 12B

Judge Suzan Marie Sweeney – Courtroom 12C

Judge Ed Wade – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Robert J. Furda

– Chief Bailiff; Dean Jenkins – Chief Probation Officer, Gregory F. Clifford – Chief

Magistrate.

The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, MAY 25, 2016

No. 5346

CITY COUNCIL

MONDAY, MAY 23, 2016

The City Record
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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2015-2017

MONDAY — Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY — Alternating

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

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

WEDNESDAY — Alternating

10:00 A.M. — **Safety Committee:** Zone (CHAIR), Conwell (VICE-CHAIR), Kazy, Keane, McCormack, Mitchell, Polensek.

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

The following Committees meet at the Call of the Chair:

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, May 23, 2016

The meeting of the Council was called to order at 7:03 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

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

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Regional Development Edward W. Rybka, Chief of Education Monyka S. Price, Media Relations Director Dan Williams, Chief of Sustainability Jenita McGowan, and Directors Langhenry, Davis, Szabo, Spronz, McGrath, Cox, O'Leary, West, Nichols, Griffin, Collier, Fumich, Ambroz and Burrows.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Jerome Hurst, Southeast Seventh Day Adventist Church, Cleveland, Ohio (Ward 1). Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 671-16.

May 20, 2016

Allen Dreyer
Deputy Clerk
Cleveland City Council
601 Lakeside Avenue, Room 220
Cleveland, Ohio 44114

Dear Mr. Dreyer:

You are requested, without objection of Cleveland City Council, to serve as Clerk of Council Pro Tempore for the purposes of the May 23, 2016, Council Meeting and for all matters requiring the Clerk's signature between May 23 and May 24, 2016.

Your assistance is appreciated.

Sincerely,
Kevin J. Kelley,
Council President

Received.

OATHS OF OFFICE

File No. 672-16.

Brian J. Chetnik, Lieutenant of Police. Received.

File No. 673-16.

Daniel D. Day, Sergeant of Police. Received.

File No. 674-16.

Richard Delvicchio, Sergeant of Police. Received.

File No. 675-16.

Kimberly K. Marti, Sergeant of Police. Received.

File No. 676-16.

Christopher Tews, Sergeant of Police. Received.

File No. 677-16.

Ralph A. Valentino, Sergeant of Police. Received.

File No. 678-16.

Jayson R. Young, Sergeant of Police. Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 679-16.

RE: #7402834. Transfer of Ownership Application, C1 C2 D6. River One Stop LLC, 4142 Rocky River Drive (Ward 17). Received.

File No. 680-16.

RE: #7679502. Stock Application, C1 C2. Salbros, Inc., 3074 West 14th Street (Ward 3). Received.

File No. 681-16.
RE: #5384812. Stock Application, D5 D6. MPKS, Inc., 2232 Rockwell Avenue (Ward 7). Received.

File No. 682-16.
RE: #7549656. Stock Application, D2 D2X D3 D6. Rotanko, Inc., 3830 Street Clair Ave. (Ward 7). Received.

File No. 683-16.
RE: #97896440005. New License Application, C1. Wright on Time Take Out LLC, 17214 Grovewood Avenue (Ward 8). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 684-16 — Francisco Torres.

Res. No. 685-16 — Linda Marie Kennedy-Clayton.

Res. No. 686-16 — Ophelia Dillard Morgan.

Res. No. 687-16 — Michael George Meissner.

Res. No. 688-16 — Karen Lillian Benning.

Res. No. 689-16 — Alma Cooper.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 690-16 — Barbara R. Snyder — Recipient Maltz Heritage Award.

Res. No. 691-16 — Tri-C's Youth Technology Academy/Team 120 — Robotics World Champions.

Res. No. 692-16 — Krystal Delores Milam.

RECOGNITION RESOLUTIONS

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

Res. No. 693-16 — Fred Nick Bourjaily.

Res. No. 694-16 — Dr. James J. Zogby.

Res. No. 670-16 — #WearOrange — June 2, 2016 — 2nd Annual National Gun Violence Awareness Day.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 646-16.
By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property, including site improvements and appurtenances; authorizing the Director of Public Works or Capital Projects to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the appropriate

director to enter into one or more contracts for the making of the improvement to parks and to proceed with the improvement to recreation facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Public Works or Capital Projects.

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

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

Section 1. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, for the Department of Public Works or Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 334-16, passed March 21, 2016, the Director of Public Works or Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the appropriate director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving parks and playgrounds on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, for the Department of Public Works or Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 4. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 334-16, passed March 21, 2016, the Director of Public Works or Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No.

334-16, passed March 21, 2016, the Director of Public Works or Capital Projects is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvements, including the rental of necessary equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works or Capital Projects.

Section 6. That, provided the City of Cleveland sells general obligation bonds authorized by Ordinance No. 334-16, passed March 21, 2016, the Director of Public Works or Capital Projects is authorized to employ by contract one or more architects, landscape architects, and engineers, or one or more firms of architects, landscape architects, and engineers, necessary to implement the public improvements authorized in this ordinance. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Capital Projects from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Works or Capital Projects for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works or Capital Projects and certified by the Director of Finance.

Section 7. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 334-16, passed March 21, 2016, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized by Sections 2 and 4 of this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the improvement, which supplies and materials are not covered by the contract or contracts authorized by Section 5 of this ordinance, with a separate accounting as to each improvement made.

Section 8. That the Director of Public Works or Capital Projects is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 9. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Capital Projects may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 10. That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 334-16, passed March 21, 2016, if the City sells such bonds and Fund Nos. 20 SF 516, 20 SF 523, 20 SF 535, 20 SF 538, 20 SF 544, 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, from the fund or funds which are credited the proceeds from the sale of future bonds, if authorized for this purpose, and any other funds approved by the Director of Finance.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Capital Projects, Public Works, Finance, Law; Committees on Municipal Services and Properties, Finance.

Ord. No. 647-16.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the National Development Council, or its designee, to provide economic development assistance to provide partial funding of the Capital Access Fund of Greater Cleveland.

Whereas, the National Development Council, or its designee, seeks to fund a loan loss reserve to make \$2,000,000 available for the Capital Access Fund of Greater Cleveland ("Capital Access Fund") in flexible and patient capital for low-cost loans to minority small businesses in the City of Cleveland; and

Whereas, the City of Cleveland is committing \$50,000 towards this loan loss reserve and other partners will contribute the remainder; and

Whereas, the loans given under the Capital Access Fund will assist minority small businesses which have consistently found impediments to accessing capital; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with the National Development Council, or its designee, to provide economic development assistance to provide partial funding of the Capital Access Fund of Greater Cleveland, under terms contained in the summary placed in File No. 647-16-A.

Section 2. That the costs of the grant shall not exceed an amount of \$50,000 and shall be paid from Fund No. 17 SF 652, Request No. RQS 9501, RL 2016-57.

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 4. That the contract authorized in this legislation will require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce

Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

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

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

Ord. No. 648-16.

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

An emergency ordinance to amend Section 131.84 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, relating to the acceptance of gifts for the Department of Public Works.

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 131.84 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, is amended to read as follows:

Section 131.84 Acceptance of Gifts

(a) The Director of Public Works is authorized to accept gifts of money, material, or services, for the various divisions of the department **unconditionally given or limited by conditions as the donor may impose.** The Director shall report the acceptance of each gift to the Clerk of the City Council.

(b) **All moneys accepted under this section shall be placed to the credit of the Department of Public Works in a special revenue fund. The moneys deposited in the special revenue fund shall be expended for the benefit of the Department of Public Works, or in the manner and for the specific purpose named in the gift. If the donor has imposed limitations to their gift, then separate subfunds may be created in the special revenue fund to deposit the gifts.**

(c) **Expenditures from the fund or subfunds created by this section shall be made on vouchers signed by the Director of Public Works, or the director's designee, when the amount is less than ten thousand dollars (\$10,000.00); otherwise such expenditure shall first be authorized by ordinance of Council in the manner provided in Charter Section 108.**

(d) **No part of any funds credited to the accounts shall be paid to or for the benefit of any officer or employee, either as additional compensation or as reimbursement for expenses incurred, or paid for purposes other than those directly benefiting the Department of Public Works. The**

funds received under this section shall be expended in the same manner as other public funds, unless specifically provided for in the terms of the gift, or authorized by resolution or ordinance of Council.

Section 2. That Section 131.84 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, is repealed.

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

Referred to Directors of Public Works, Finance, Law; Committees on Municipal Services and Properties, Finance.

Ord. No. 649-16.

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

An emergency ordinance authorizing the Director of Public Works to enter into an amendment and restatement to a Lease Agreement with the Cleveland Museum of Art to change certain terms of the lease, including but not limited to, the term and development issues relating to Case Western Reserve University's Greenway Connector Project; and authorizing the Director to lease certain properties located in Wade Park to the Cleveland Art Museum and Case Western Reserve University for the purpose of implementing the Project, for a term of ninety-nine years, with one option to renew, for an additional ninety-nine years.

Whereas, in 1930, the Cleveland Museum of Art ("Museum") entered into an Agreement with the City of Cleveland for maintenance and beautification of the Fine Arts Garden Lagoon by a Fine Arts Garden Commission, also known as Parcel "B" (the "1930 Agreement"); and

Whereas, in 2004, the Museum entered into a ninety-nine year Lease with the City for property located in Wade Park for the Museum's maintenance building, also known as Parcel "A" (the "2004 Lease"); and

Whereas, Case Western Reserve University ("CWRU") wishes to implement its Greenway Connector Project (the "Project"), that will unify CWRU's eastern and western campus areas and enhance connections to neighborhoods by way of a paved pedestrian and bicycle path and greenway originating at East Boulevard, traversing west around the Fine Arts Garden Lagoon south of the Cleveland Museum of Art, traversing west across Wade Park, and ending at East 105th Street; and

Whereas, the Project will require a lease of land between the City and CWRU for a portion of Wade Park also known as Parcel "C" (the "CWRU Lease"), an amendment and restatement to the 2004 Lease for Parcel A to include Parcel B from the 1930 Agreement, termination of the 1930 Agreement, and coterminous lease terms of the CWRU Lease and the amended and restated 2004 Lease; and

Whereas, the amended and restated 2004 Lease shall authorize other developmental issues needed to implement the Project, including but

not limited to, allowing the Museum to mortgage City property, authorizing subleases to CWRU, adding a provision to allow that the amended and restated 2004 Lease can be further amended to include the CWRU Lease parcel C in the event that the CWRU Lease is terminated early, and to extend the lease term for the amended and restated 2004 Lease for a period of ninety-nine years, with one option to renew, which will run conterminously with the CWRU Lease; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into an amendment and restatement of the 2004 Lease with the Museum (the "Amended 2004 Lease") to change certain terms of the original 2004 Lease for parcel "A" and to lease to the Museum property commonly known as the Fine Arts Lagoon Garden or Parcel "B" which are more fully described as follows:

LEGAL DESCRIPTION OF PARCEL A

**TO BE LEASED TO THE
CLEVELAND MUSEUM OF ART**
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lots Numbers 394 and 402 and further bounded and described as follows:

Beginning at the northwesterly corner of Parcel B of land conveyed to The Cleveland Museum of Art by deed recorded in Volume 12328 Page 601 of Cuyahoga County Deed Records;

Thence S 08°19'38" E, along a westerly line of said Parcel B, a distance of 16.62 feet to the principal point of beginning of the premises herein intended to be described;

Thence continuing along said westerly line of Parcel B by the following four (4) courses and distances:

Course No. 1:
Thence S 08°19'38" E, a distance of 75.09 feet to a point;

Course No. 2:
Thence S 17°37'23" E, a distance of 157.03 feet to a point;

Course No. 3:
Thence S 30°10'03" E, a distance of 133.21 feet to a point;

Course No. 4:
Thence S 08°19'38" E, a distance of 227.91 feet to the northwesterly corner of land conveyed to the Cleveland Museum of Art by deed recorded in Volume 15651 Page 773 of Cuyahoga County Deed Records;

Thence along the westerly and southerly lines of land conveyed to said Cleveland Museum of Art by the following two (2) courses and distances:

Course No. 5:
Thence S 8°19'38" E, a distance of 76.56 feet to a point;

Course No. 6:
Thence N 81°40'22" E, a distance of 183.15 feet to a point on the westerly

curved line of Parcel A, conveyed to The Cleveland Museum of Art by deed recorded in Volume 12328 Page 601 of Cuyahoga County Deed Records;

Course No. 7:

Thence along said westerly curved line of Parcel A, along the arc of a curve deflecting to the left, 20.79 feet, said curve having a radius of 305.00 feet, a delta angle of 3°54'17" and a chord which bears S 14°15'33" E, a distance of 20.78 feet to a point of tangency;

Course No. 8:

Thence S 16°12'35" E, continuing along the westerly line of said Parcel A, a distance of 106.77 feet to a point;

Course No. 9:

Thence S 20°41'03" W, a distance of 353.79 feet to a point on the existing back of curb (easterly side) of Martin Luther King Jr. Drive;

Thence along said existing back of curb (easterly side) of Martin Luther King Jr. Drive by the following ten (10) courses and distances:

Course No. 10:

Thence N 67°27'00" W, a distance of 60.57 feet to a point;

Course No. 11:

Thence N 62°34'19" W, a distance of 37.93 feet to a point of curve;

Course No. 12:

Thence along the arc of a curve deflecting to the right, 542.15 feet, said curve having a radius of 731.12 feet, a delta angle of 42°29'11" and a chord which bears N 41°19'44" W, a distance of 529.81 feet to a point of tangency;

Course No. 13:

Thence N 20°05'08" W, a distance of 77.21 feet to a point;

Course No. 14:

Thence N 8°01'06" W, a distance of 82.05 feet to a point of curvature;

Course No. 15:

Thence along the arc of a curve deflecting to the right, 129.83 feet, said curve having a radius of 718.50 feet, a delta angle of 10°21'11" and a chord which bears N 2°50'30" W, a distance of 129.65 feet to a point of tangency;

Course No. 16:

Thence N 2°20'05" E, a distance of 41.00 feet to a point of curvature;

Course No. 17:

Thence along the arc of a curve deflecting to the right, 200.24 feet, said curve having a radius of 580.00 feet, a delta angle of 19°46'52" and a chord which bears N 12°13'31" E, a distance of 199.25 feet to a point of tangency;

Course No. 18:

Thence N 22°06'57" E, a distance of 27.00 feet to a point;

Course No. 19:

Thence N 23°52'52" E, a distance of 160.31 feet to a point on the existing back of walk on Jephtha Drive;

Thence along the existing back of walk on said Jephtha Drive by the following two (2) courses and distances:
Course No. 20:

Thence S 64°22'52" E, a distance of 60.14 feet to a point of curvature;

Course No. 21:

Thence along the arc of a curve deflecting to the right, 61.73 feet, said curve having a radius of 181.00 feet, a delta angle of 19°32'25" and a chord which bears S 54°36'39" E, a distance of 61.43 feet to the principal point of beginning and containing 7.9663 acres of land as calculated and described by Christopher L. Courtney, Registered Surveyor Number 7702 of Garrett & Associates, Inc., in May, 2016, be the same or less, but subjected to all legal highways.

All iron pins are 5/8" rebar with plastic cap marked "Garrett & Assoc 6640 / 7702".

Bearings used herein are based on assumed meridian and are used to indicate angles only.

Note: The intent for the establishment of the lease line along Martin Luther King Jr. Drive is to follow the existing back of curb and for Jephtha Drive to follow the existing back of walk.

LEGAL DESCRIPTION OF PARCEL B

**TO BE LEASED TO THE
CLEVELAND MUSEUM OF ART**
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot Number 402 and further bounded and described as follows:

Beginning at a stone with a nail found on a base line between two monuments in the easterly line of East Boulevard, said stone with nail being approximately 95.00 feet south of the centerline of Bellflower Road;

Thence S 05°47'18" E, along said base line, a distance of 33.20 feet to a point;

Thence S 81°40'22" W, a distance of 71.12 feet to the northeasterly corner of Parcel "A" conveyed to The Cleveland Museum of Art by deed recorded in Volume 12328 Page 601 of Cuyahoga County Deed Records;

Thence along the easterly line and southerly lines of said Parcel "A" by the following three (3) courses and distances:

Thence along the arc of a curve deflecting to the left, 52.98 feet, said curve having a radius of 1831.00 feet, a delta angle of 01°39'28" and a chord which bears S 01°59'08" E, a distance of 52.98 feet to a point;

Thence along the arc of a curve deflecting to the left, 19.27 feet, said curve having a radius of 11.56 feet, a delta angle of 95°30'34" and a chord which bears N 50°34'21" W, a distance of 17.12 feet to a point;

Thence S 81°40'22" W, a distance of 4.95 feet to the principal point of beginning of the premises herein intended to be described;

Thence along the existing back of walk of East Boulevard by the following eight (8) courses and distances:

Course No. 1:
Thence S 04°10'26" E, a distance of 82.50 feet to a point;

Course No. 2:
Thence S 05°22'46" E, a distance of 102.74 feet to a point;

Course No. 3:
Thence S 07°08'57" E, a distance of 51.60 feet to a point of curve;

Course No. 4:

Thence along the arc of a curve deflecting to the left, 119.67 feet, said curve having a radius of 416.60 feet, a delta angle of 16°27'30" and a chord of S 15°22'42" E, a distance of 119.26 feet to a point of tangency;

Course No. 5:

Thence S 23°36'27" E, a distance of 101.59 feet to a point of curve;

Course No. 6:

Thence along the arc of a curve deflecting to the right, 373.30 feet, said curve having a radius of 800.00 feet, a delta angle of 26°44'09" and a chord of S 10°14'22" E, a distance of 369.93 feet to a point of tangency;

Course No. 7:

Thence S 03°07'42" W, a distance of 96.63 feet to a point;

Course No. 8:

Thence S 05°55'25" W, a distance of 96.84 feet to a point which is 74.00 feet by rectangular measurement from the centerline of Euclid Avenue;

Course No. 9:

Thence S 42°54'01" W, parallel to and 74.00 feet by rectangular measurement from said centerline of Euclid Avenue, a distance of 209.01 feet to a point;

Course No. 10:

Thence S 81°45'52" W, a distance of 67.54 feet to a point on the easterly line of Chester Ave. N.E. (86 feet wide) as shown by the Dedication Plat of Chester Ave. recorded in Volume 127 Page 13 of Cuyahoga County Map Records;

Course No. 11:

Thence N 58°05'15" W, along said easterly line of Chester Ave., (passing through at 252.02 feet, the point of curve in said easterly line of Chester Avenue) a total distance of 285.23 feet to a point of curved turnout for Martin Luther King Jr. Drive;

Course No. 12:

Thence along the arc of said curved turnout deflecting to the right, 40.37 feet, said curved turnout having a radius of 32.11 feet, a delta angle of 72°02'06" and a chord which bears N 22°04'12" W, a distance of 37.76 feet to a point of reverse curve;

Course No. 13:

Thence along the arc of a curve deflecting to the left, 341.89 feet, said curve having a radius of 1012.09 feet, a delta angle of 19°21'17" and a chord which bears N 04°16'13" E, a distance of 340.26 feet to a point of compound curve;

Course No. 14:

Thence along the arc of a curve deflecting to the left, 150.56 feet, said curve having a radius of 428.09 feet, a delta angle of 20°09'04" and a chord which bears N 15°28'58" W, a distance of 149.79 feet to a point of tangency;

Course No. 15:

Thence N 25°33'30" W, a distance of 93.48 feet to a point;

Course No. 16:

Thence N 45°37'43" W, a distance of 55.18 feet to a point of curve;

Course No. 17:

Thence along the arc of a curve deflecting to the left, 140.26 feet, said

curve having a radius of 423.55 feet, a delta angle of 18°58'27" and a chord which bears N 55°06'58" W, a distance of 139.62 feet to a point;

Course No. 18:

Thence S 22°58'12" W, a distance of 22.51 feet to a point on the existing back of curb of said Martin Luther King Jr. Drive;

Thence following said existing back of curb of said Martin Luther King Jr. Drive by the following two (2) courses and distances:

Course No. 19:

Thence N 61°14'57" W, a distance of 17.68 feet to a point;

Course No. 20:

Thence N 67°27'00" W, a distance of 46.23 feet to a point;

Course No. 20:

Thence N 20°41'03" E, a distance of 353.79 feet to a point on the westerly line of Parcel A, conveyed to The Cleveland Museum of Art by deed recorded in Volume 12328 Page 601 of Cuyahoga County Deed Records;

Thence along the westerly and southerly line of said Parcel A by the following three (3) courses and distances:

Course No. 21:

Thence along the arc of a curve deflecting to the right, 62.65 feet, said curve having a radius of 241.75 feet, a delta angle of 14°50'54" and a chord which bears S 08°47'08" E, a distance of 62.47 feet to a point of reverse curve;

Course No. 22:

Thence along the arc of a curve deflecting to the left, 76.34 feet, said curve having a radius of 45.11 feet, a delta angle of 96°57'44" and a chord which bears S 49°50'33" E, a distance of 67.55 feet to a point;

Course No. 24:

Thence N 81°40'22" E, a distance of 414.73 feet to the principal point of beginning and containing 11.8788 acres of land as calculated and described by Christopher L. Courtney, Registered Surveyor Number 7702 of Garrett & Associates, Inc., in May, 2016, be the same or less, but subjected to all legal highways.

All iron pins are 5/8" rebar with plastic cap marked "Garrett & Assoc 6640 / 7702".

Bearings used herein are based on assumed meridian and are used to indicate angles only.

Note: The intent for the establishment of the lease line along East Boulevard, Euclid Avenue, Chester Avenue and Martin Luther King Jr. Drives to follow the existing back of walk.

Section 2. That the Amended 2004 Lease shall include, but not be limited to, adding Parcel B from the 1930 Agreement, terminating the 1930 Agreement when the Amended 2004 Lease is executed, allowing the Museum to mortgage City property with prior City approval, and adding a provision that in the event that the CWRU Lease is terminated that the City can further amend the Amended 2004 Lease to include Parcel C subject to the CWRU Lease terms.

Section 3. That the Amended 2004 Lease parcels A and B shall be leased at a rental of \$1.00 per year, and other

valuable consideration, which are determined to be fair market value, exclusive of utilities, for a term of ninety-nine years, with one option to renew for an additional ninety-nine years, exercisable by the Director of Public Works, and shall run conterminously with the CWRU Lease authorized in this ordinance.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to lease to CWRU certain property known as Parcel "C", (the "CWRU Lease") which is more fully described as follows:

**LEGAL DESCRIPTION OF
PARCEL C
TO BE LEASED TO
THE CASE WESTERN
RESERVE UNIVERSITY**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot Numbers 394 and 402 and further bounded and described as follows:

Beginning at a stone monument found in the centerline of East 105th Street (60 feet wide) at the northerly line of Park lane N.E. (Perpetual 30 foot right of Way) recorded in Volume 515 Page 378 of Cuyahoga county Deed Records;

Thence N 01°06'01" W, along said centerline of East 105th Street, a distance of 38.17 feet to a point;

Thence N 88°53'59" E, a distance of 34.50 feet to the principal point of beginning of the premises herein intended to be described;

Course No. 1:

Thence N 01°06'01" W, a distance of 16.50 feet to a point;

Course No. 2:

Thence S 88°53'59" W, a distance of 4.50 feet to a point on the easterly line of said East 105th Street;

Course No. 3:

Thence N 01°06'01" W, along said easterly line of East 105th Street, a distance of 798.86 feet to a point;

Course No. 4:

Thence N 28°53'59" E, a distance of 17.87 feet to a point;

Course No. 5:

Thence N 01°36'56" E, a distance of 138.53 feet to a point;

Course No. 6:

Thence N 01°06'01" W, a distance of 625.00 feet to a point;

Course No. 7:

Thence N 88°53'59" E, a distance of 5.00 feet to a point;

Course No. 8:

Thence N 01°06'01" W, a distance of 50.24 feet to a point;

Course No. 9:

Thence S 80°39'21" E, a distance of 28.88 feet to a point of curve;

Course No. 10:

Thence along the arc of a curve deflecting to the right, 441.31 feet, said curve having a radius of 262.45 feet, a delta angle of 96°20'44" and a chord of S 32°28'59" E, a distance of 391.13 feet to a point of tangency;

Course No. 11:

Thence S 15°41' 23" W, a distance of 33.65 feet to a point;

Course No. 12:

Thence S 19°46' 33" W, a distance of 50.98 feet to a point;

Course No. 13:

Thence S 26°06' 43" W, a distance of 85.36 feet to a point;

Course No. 14:

Thence S 22°06' 57" W, a distance of 70.00 feet to a point of curve;

Course No. 15:

Thence along the arc of a curve deflecting to the left, 215.43 feet, said curve having a radius of 624.00 feet, a delta angle of 19°46' 52" and a chord of S 12°13' 31" W, a distance of 214.37 feet to a point of tangency;

Course No. 16:

Thence S 02°20' 05" W, a distance of 41.00 feet to a point of curve;

Course No. 17:

Thence along the arc of a curve deflecting to the left, 137.78 feet, said curve having a radius of 762.50 feet, a delta angle of 10°21' 11" and a chord of S 02°50' 30" E, a distance of 137.59 feet to a point of tangency;

Course No. 18:

Thence S 08°01' 06" E, a distance of 86.70 feet to a point;

Course No. 19:

Thence S 20°05' 08" E, a distance of 81.86 feet to a point of curve;

Course No. 20:

Thence along the arc of a curve deflecting to the left, 320.30 feet, said curve having a radius of 775.12 feet, a delta angle of 23°40' 33" and a chord of S 31°55' 25" E, a distance of 318.02 feet to a point;

Course No. 21:

Thence S 43°51' 17" W, a distance of 134.00 feet to a point;

Course No. 22:

Thence S 46°08' 43" E, a distance of 57.28 feet to a point;

Course No. 23:

Thence N 43°51' 17" E, a distance of 4.94 feet to a point on the northwesterly projection of the existing outside wall of the Chinese Cultural Garden;

Course No. 24:

Thence S 46°08' 43" E, along said northwesterly projection of the existing outside wall of the Chinese Cultural Garden and the existing outside wall of the Chinese Cultural Garden, a distance of 15.00 feet to the southwesterly corner thereof;

Course No. 25:

Thence N 43°51' 17" E, along the southerly outside wall of said Chinese Cultural Garden, a distance of 19.70 feet to a point;

Course No. 26:

Thence S 46°08' 43" E, a distance of 4.99 feet to a point;

Course No. 27:

Thence N 43°51' 17" E, a distance of 110.00 feet to a point;

Course No. 28:

Thence along the arc of a curve deflecting to the left, 177.26 feet, said curve having a radius of 775.12 feet, a delta angle of 13°06' 11" and a chord of S 56°01' 38" E, a distance of 176.88 feet to a point;

Course No. 29:

Thence S 27°46' 04" W, a distance of 15.64 feet to a point;

Course No. 30:

Thence S 62°34' 19" E, a distance of 20.00 feet to a point;

Course No. 31:

Thence S 67°27' 15" E, a distance of 63.49 feet to a point;

Course No. 32:

Thence S 00°35' 45" E, a distance of 54.25 feet to a point;

Course No. 33:

Thence S 88°36' 54" W, a distance of 573.52 feet to the principal point of beginning and containing 7.8579 acres of land as calculated and described by Christopher L. Courtney, Registered Surveyor Number 7702 of Garrett & Associates, Inc., in May,

2016, be the same or less, but subjected to all legal highways.

All iron pins are 5/8" rebar with plastic cap marked "Garrett & Assoc 6640 / 7702".

Bearings used herein are based on assumed meridian and are used to indicate angles only.

Note: The intent for the establishment of the lease line along Martin Luther King Jr. Drive to follow the existing back of curb or back of walk.

Section 5. That the CWRU Lease shall include, but not be limited to, authorize CWRU to make improvements to the leased premises subject to the approval of appropriate City agencies and officials and allowing the Museum to mortgage City property with prior City approval.

Section 6. That the CWRU Lease Parcel C shall be leased at a rental of \$1.00 per year, and other valuable consideration, which is determined to be fair market value, exclusive of utilities, for a term of ninety-nine years, with one option to renew for an additional ninety-nine years, exercisable by the Director of Public Works, and shall run conterminously with the Amended 2004 Lease authorized in this ordinance.

Section 7. That the Amended 2004 Lease and the CWRU Lease shall be prepared by the Director of Law.

Section 8. That the Director of Public Works, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the Amended 2004 Lease or CWRU Lease authorized by this ordinance.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

Ord. No. 650-16.**By Council Member Kelley (by departmental request).**

An emergency ordinance approving the collective bargaining agreement with the Cleveland Building and Construction Trades Council; and to amend Section 48 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 858-15, passed August 19, 2015, 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 under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Building and Construction Trades Council, under the terms contained in File No. 650-16-A, for the period from April 1, 2016 through March 31, 2019.

Section 2. That Section 48 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 858-15, passed August 19, 2015, is amended to read as follows:

Section 48. Hourly Rate - Cleveland Building and Construction Trades Council

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:

		Effective Date	Minimum	Maximum
1.	Asbestos Worker (Insulator)	8/1/16	\$46.04	\$57.55
2.	Boiler Maker.....	1/1/16	50.93	63.66
3.	Bricklayer	5/1/16	39.22	49.03
4.	Bricklayer Foreman.....	5/1/16	40.47	50.03
5.	Carpenter.....	5/1/16	38.80	48.50
6.	Carpenter Foreman.....	5/1/16	40.05	49.65

7.	Cement Finisher.....	5/1/16	39.12	48.90
8.	Cement Finisher Foreman.....	5/1/16	40.37	49.65
9.	Electrical Worker.....	4/27/16	46.00	57.50
10.	Electrical Worker Foreman.....	4/27/16	47.25	59.06
11.	Glazier.....	5/1/16	37.57	46.96
12.	Ironworker.....	5/1/16	43.41	54.26
13.	Ironworker Foreman.....	5/1/16	44.66	56.76
14.	Painter.....	5/1/16	34.04	42.55
15.	Painter Foreman.....	5/1/16	35.29	43.55
16.	Pipefitter (Welder).....	5/2/16	47.74	59.67
17.	Pipefitter Foreman.....	5/2/16	48.99	60.17
18.	Plasterer.....	5/1/16	37.24	46.55
19.	Plasterer Foreman.....	5/1/16	38.49	48.05
20.	Plumber (Welder).....	5/2/16	47.07	58.80
21.	Plumber Foreman.....	5/2/16	48.29	59.30
22.	Roofer.....	5/1/16	39.24	49.05
23.	Sheet Metal Worker.....	5/1/16	48.35	60.44
24.	Sheet Metal Worker Foreman.....	5/1/16	49.60	61.94

Section 3. That Section 48 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 858-15, passed August 19, 2015, is repealed.

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

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

**Ord. No. 651-16.
By Council Members Pruitt and
Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Public Utilities to execute a deed of easement granting to the Cleveland Electric Illuminating Company certain easement rights in property located at the Blossom Water Tower Facility in Brecksville, Ohio, and declaring that the easement rights granted are not needed for the City's public use.

Whereas, the Cleveland Electric Illuminating Company ("CEI") has requested the Director of Public Utilities to convey certain easement rights in property at the Blossom Water Tower Facility in Brecksville, Ohio; and

Whereas, CEI requires an easement to upgrade the existing electrical service to accommodate a new radio tower being installed by the City of Cleveland at the Blossom Water Tower Facility for use by the City of Cleveland; and

Whereas, the easement rights to be granted are not needed for the City's public use; and

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for the City's public use:

Legal Description for a
10 Foot Utility Easement
Project No. 31648
May 23, 2016

Situated in the City of Brecksville, County of Cuyahoga and State of Ohio, known as being part of Original Brecksville Township Lot No. 41 and being a part of land conveyed to The City of Cleveland, by deed recorded May 14, 1927 in Volume 3563, Page 328 of Cuyahoga County Recorder's Records as follows: bounded and described as follows:

Commencing at an iron pin in monument box found marking the Northeast corner of said Lot No. 41, said point also being the centerline intersection of the centerline of Barr Road, having a 60-foot Right-of-Way with the centerline of Oakes Road, having a 60-foot Right-of-Way;

Thence along the Northerly line of said Lot No. 41 and the centerline of said Oakes Road, bearing North 89°58'20" West, a distance of 1697.36 feet to a point thereon;

Thence at a right angle, bearing South 00°01'40" West, a distance of 30.00 feet to a point on the Southerly Right-of-Way line of said Oakes Road and the TRUE PLACE OF BEGINNING of the Utility Easement herein described;

Thence, bearing South 25°21'51" East, a distance of 75.91 feet to a point;

Thence, bearing South 00°03'10" East, a distance of 506.05 to a point;

Thence, bearing South 89°59'48" West, a distance of 319.46 feet to a point;

Thence, bearing South 11°07'39" West, a distance of 193.33 feet to a point;

Thence, bearing South 87°55'52" East, a distance of 346.15 feet to a point;

Thence, bearing South 73°15'34" East, a distance of 58.82 feet to a point in the Easterly line of said lands conveyed to The City of Cleveland;

Thence along the Easterly line of said lands conveyed to The City of Cleveland, bearing South 00°07'57" West, a distance of 10.44 feet to a point;

Thence, bearing North 73°15'34" West, a distance of 60.52 feet to a point;

Thence, bearing North 87°55'52" West, a distance of 356.59 feet to a point;

Thence, bearing North 11°07'39" East, a distance of 213.28 feet to a point;

Thence, bearing North 89°59'48" East, a distance of 317.67 feet to a point;

Thence, bearing North 00°03'10" West, a distance of 493.80 feet to a point;

Thence, bearing North 25°21'51" West, a distance of 78.41 feet to a

point in the Southerly Right-of-Way line of said Oakes Road;

Thence along the Southerly Right-of-Way line of said Oakes Road, bearing South 89°58'20" East, a distance of 11.07 feet to a point thereon and the TRUE PLACE OF BEGINNING, containing 0.3466 acres (15,100 square feet) of land, more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey under the supervision of Andrew G. Planet, P.S. No. S-7802 by Rolling & Hovevar, Inc. in March 2016.

Section 2. That the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to CEI subject to any conditions stated in this ordinance, at a price of \$1.00 and other valuable consideration, which is determined to be fair market value.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to upgrade the existing electrical service to accommodate a new radio tower being installed by the City of Cleveland at the Blossom Water Tower Facility for use by the City of Cleveland.

Section 4. That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Public Utilities; that the easement shall require that CEI provide reasonable insurance, maintain any CEI improvements located within the easement; pay any applicable taxes and assessments; and shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

Section 5. That the conveyance referenced above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Utilities on behalf of the City of Cleveland. The Directors of Public Utilities and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

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

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

Ord. No. 652-16.

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

An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA RCD 2014-128 with BissNuss Inc. to provide proprietary equipment and services needed to maintain and replace components of various chemical feed and related systems.

Whereas, under the authority of Ordinance No. 496-14, passed May 19, 2014, the Director of Public Utilities entered into Contract No. MA RCD 2014-128 with BissNuss Inc to provide proprietary equipment and services needed to maintain and replace components of various chemical feed and related systems; and

Whereas, Ordinance No. 496-14 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Public Utilities is authorized to exercise the first option to renew Contract No. MA RCD 2014-128 for an additional year in the approximate amount of \$275,000, with BissNuss Inc. for the requirements for an additional year to provide proprietary equipment and services needed to maintain and replace components of various chemical feed and related systems. This ordinance constitutes the additional legislative authority required by Ordinance No. 496-14 to exercise this option. (RQN 2002, RL 2016-20)

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.

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

Ord. No. 653-16.

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

An emergency ordinance authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2015-16 school year.

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor

vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2015-16 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; 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 Directors of Public Works and Finance are authorized to enter into one or more contracts with the Cleveland Metropolitan School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2015-16 school year, under the program description contained in File No. 653-16-A. The cost of the contract or contracts shall not exceed \$950,000 and shall be paid from Fund No. 11 SF 035, Request No. RQS 7001, RL 2016-30.

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.

Referred to Directors of Public Works, Finance, Law; Committees on Municipal Services and Properties, Finance.

Ord. No. 654-16.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Forterra Pressure Pipe for concrete pipe adapters, repair saddles, and accessories, for the Division of Water, Department of Public Utilities, for a period of two years.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Forterra Pressure Pipe. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with Forterra Pressure Pipe, in the estimated sum of \$380,000, for the requirements for a period of two years, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water, Department of Public Utilities.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on

order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2016-18)

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

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

Ord. No. 655-16.

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

An emergency ordinance determining the method of making the public improvement of installing automated meter reading units on remaining residential and commercial accounts, including but not limited to, Cleveland Heights' accounts and master meter vaults not yet converted; and authorizing the Director of Public Utilities to enter into one or more public improvement requirement contracts for the making of the improvement, for a period of two years, with two one-year options to renew, the first of which shall require additional legislative authority.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of installing automated meter reading units on remaining residential and commercial accounts, including Cleveland Heights accounts and master meter vaults not yet converted, for the Division of Water, Department of Public Utilities, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years, with two one-year options to renew, the first of which shall require additional legislative authority, for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercised at the option of the Director of Public Utilities without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each

or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Section 4. That the costs of the contract or contracts or other expenditures shall be paid from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RL RQN 2002, RL 2016-22)

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 656-16.

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

An emergency ordinance determining the method of making the public improvement of reconstructing a portion of East 59th Street; authorizing the Director of Capital Projects to enter into one or more contracts, for the construction, design, and any other agreements; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of reconstructing East 59th Street from Chester Avenue to Euclid Avenue (the "Improvement"), for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the Director of Capital Projects is authorized to enter into one or more contracts for the making

of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

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

Section 4. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 5. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value.

Section 6. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property.

Section 7. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity, including but not limited to, the State of Ohio and the Northeast Ohio Regional Sewer District to implement the Improvement; and that the Director is authorized to file all papers and execute all documents necessary to receive any funds or services; and that the funds are appropriated for the purposes described in this ordinance.

Section 8. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District, and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the Improvement.

Section 9. That the Director of Capital Projects is authorized to accept cash contributions from the public or

private entities, including but not limited to, the Greater Cleveland Regional Transit Authority and the Northeast Ohio Regional Sewer District, for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 10. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the design and installation of underground lines in connection with the improvement.

Section 11. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 12. That the cost of the Improvement, contracts, property acquisition, or other expenditure authorized in this ordinance shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, from the fund or funds to which are credited proceeds from the sale of future bonds if issued for this purpose, from the fund or funds to which are credited any cash contribution, payment, grant, or gift accepted under this ordinance, and any funds approved by the Director of Finance for this purpose.

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

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

Ord. No. 657-16.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to design various water main renewal and repair projects, for a period up to four years.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design various water main renewal and repair projects, for a period up to four years.

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

Utilities, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, and from the fund or funds to which are credited the proceeds from the sale of future waterworks bonds, if issued for this purpose. RQS 2002, RL 2016-44.

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

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

Ord. No. 658-16.

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

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants to provide various architectural, engineering, testing, and related services needed for various capital improvement projects, for the Division of Architecture and Site Development, Office of Capital Projects, on an as-needed basis.

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, provided the City sells the bonds authorized by Ordinance No. 335-16, passed March 21, 2016, the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide various architectural, engineering, testing, and related services needed for various capital improvement projects for the Division of Architecture and Site Development, Office of Capital Projects, on an as-needed basis.

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

Section 2. That the aggregate cost of contracts authorized in this ordinance shall not exceed \$300,000 and shall be paid from Fund Nos. 20 SF 517, 20 SF 524, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, 20 SF 551, 20 SF 553, 20 SF 559, 20 SF 562, 20 SF 566, and from the fund or funds to which are credited the proceeds from the sale of bonds authorized by Ordinance No. 335-16, passed March 21, 2016, from the fund or funds which are credited the proceeds from the sale of future bonds, if authorized for this purpose, and any other funds approved by the Director of Finance.

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

Referred to Directors of Capital Projects, Finance, Law; Committees on Municipal Services and Properties, Finance.

Ord. No. 659-16.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of diving and underwater inspections, for the Division of Water, Department of Public Utilities, for a period up to two years, with two one-year options to renew, the first of which requires additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years, with two one-year options to renew, of the necessary items of diving and underwater inspections, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2016-17)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 660-16.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year.

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

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

Section 1. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of rock salt, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 7016, RL 2016-14)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Referred to Directors of Public Works, Finance, Law; Committees on Municipal Services and Properties, Finance.

Ord. No. 661-16.**By Council Members K. Johnson and Kelley (by departmental request).****An emergency ordinance authorizing the Director of Capital Projects to make alterations and modifications in Contract No. PI 2015-11 with Vandra Brothers Construction, Inc. for the rehabilitation of Lorain Avenue, for the Office of Capital Projects.**

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

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

Section 1. That the Director of Capital Projects is authorized to make the following alterations and modifications in Contract No. PI 2015-11 with Vandra Brothers Construction, Inc. for the rehabilitation of Lorain Avenue, for the Office of Capital Projects:

Subsidiary Additions

1. 8" Non-reinforced concrete pavement	
5,776 square yards at \$72.00 per unit	<u>\$415,872.00</u>
Total Subsidiary Additions:	\$415,872.00
Original Contract Amount	\$8,325,493.35
Total Subsidiary Additions	<u>+ 415,872.00</u>
TOTAL REVISED CONTRACT AMOUNT	\$8,741,365.35

which alteration has been recommended in writing by the Director of Capital Projects, 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 Capital Projects and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$415,872.00 to be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, 20 SF 001, and 54 SF 001, RQS 0103, RL 2016-59.

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.

Referred to Directors of Capital Projects, Finance, Law; Committees on Municipal Services and Properties, Finance.

Ord. No. 665-16.**By Council Member Brady.****An emergency ordinance to amend Section 630.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.141-09, passed March 30, 2009, relating to criminal activity nuisances.**

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 630.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.141.09, passed March 30, 2009, is amended to read as follows:

Section 630.02 Action to Abate Nuisances; Costs of Enforcement

(a) *Notice of Declaration of Nuisance.* The Director of Public Safety or his or her designee, upon finding that three (3) or more nuisance activities as defined in Section 630.01 have occurred on separate occasions within any **twelve (12) month** period on the same property, may cause a written notice and order to be served on the owner of the property declaring that the property is a nuisance property. This notice and order shall identify the nuisance activities, and the estimated costs to abate any future nuisance activity; shall state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in division (d) of this section; and shall state the appeal process. The notice shall further state that if a fourth or subsequent nuisance activity as defined in Section 630.01 occurs later than thirteen (13) days after the date of the written nuisance declaration notice and within twelve (12) months of the date of

the third or any subsequent nuisance activity, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of the abatement shall be charged to the owner of the nuisance property and may be certified as a lien on the nuisance property. Notice shall be deemed properly delivered by delivering it personally to the owner or leaving it at the owner's usual place of business or residence, or by mailing it to the owner, or, if it cannot be served in any of the other ways mentioned above, by publishing it once in a newspaper of general circulation within the City, or by posting it in a conspicuous place on the real estate involved.

(b) *Abatement.* If the Director of Public Safety or his or her designee determines that a fourth or subsequent nuisance activity as defined in Section 630.01 occurs later than thirteen (13) days after the date of the initial written nuisance declaration notice and within twelve (12) months after the date of the third or any subsequent nuisance activity, the City may abate the nuisance activity by using administrative and law enforcement actions, and the costs of the abatement shall be charged to the owner of the property and, if not paid, may be certified by the Commissioner of Assessments and Licenses to the County Auditor to be placed on the nuisance property as a lien to be collected as other taxes and returned to the City. The cost to abate the nuisance activity shall be calculated as set forth in division (c). The City shall provide notice to the owner of the nuisance property of the City's decision to charge the cost of abatement. If the costs are not paid by the owner, the City shall notify the owner at least thirty (30) days before the

costs are certified to the County Auditor. The notice shall contain a street address or legal description of the property, a description of the nuisance activities and the cost to abate. Notices shall be served as set forth in division (a) of this section. The Director of Law may take any other action necessary to collect the costs of abatement.

(c) *Costs of Abatement.* Costs of abatement shall be determined based on the time required to respond to the nuisance activity multiplied by an hourly rate based upon the wages and benefits of a police officer, dispatch costs, vehicle and equipment costs, and supervisory and administrative costs. The hourly rate may be adjusted based on the number of police officers required to abate the nuisance.

(d) *Nuisance Abatement Plan.* The owner of a nuisance property may avoid being charged the cost of abating future nuisances if the owner meets with the Director of Public Safety or his or her designee; presents a plan to prevent further nuisance activity and that plan is approved by the Director of Public Safety or his or her designee; and implements the plan.

(e) *Appeal.* The owner of a nuisance property who receives a notice declaring the owner's property to be a nuisance property, a notice charging the cost of abating nuisance activity, or a notice that the cost of abatement shall be certified to the County Auditor, may appeal the notice by submitting a written request to the City official who issued the notice within ten (10) days of the date of the notice. If, after a decision on that appeal, the owner disagrees with the decision, the owner may appeal the decision of the City official to the Board of Zoning Appeals. An appeal to the Board of Zoning Appeals shall be made

within fifteen (15) days of the post-mark date of the decision from the City official denying the appeal. The Board shall conduct a hearing and render a decision in accordance with City ordinances and regulations governing its conduct and procedure. An appeal to the Board of Zoning Appeals shall not stay any actions by the City to abate any subsequent nuisance activity. In an appeal to the Board of Zoning Appeals of a nuisance declaration notice, the City must show by a preponderance of the evidence that there was probable cause to believe that each nuisance activity stated in the notice being appealed has occurred, and that the declaration of the property as a nuisance property is justified. In an appeal to the Board of Zoning Appeals of a notice charging the cost of abating nuisance activity, or a notice that the cost of abatement shall be certified to the County Auditor, the City must show by a preponderance of the evidence that the charging of abatement costs or the certification of abatement costs is justified. The owner may prevail on appeal of any notice if the owner demonstrates by a preponderance of the evidence that:

(1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or

(2) He or she had knowledge of the nuisance activity, but promptly and vigorously took all actions necessary to abate the nuisance activity including, without limitation, compliance with the requirements of division (C) of RC 5321.17 and division (A) (9) of RC 5321.04; or

(3) He or she had no knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of division (C) of RC 5321.17 and division (A) (9) of RC 5321.04.

Section 2. That existing Section 630.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.141.09, passed March 30, 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.

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

Ord. No. 666-16.

By Council Member McCormack.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 699B.01 to 699B.05 relating to designated outdoor refreshment areas; and to amend Section 617.07 of the codified ordinances, as amended by Ordinance No. 1011-95, passed August 23, 1995, relating to open containers.

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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 699B.01 to 699B.05 to read as follows:

CHAPTER 699B DESIGNATED OUTDOOR REFRESHMENT AREAS

Section 699B.01 Definitions

(a) As used in this section, "qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, or D permit issued under Chapter 4303. of the Revised Code.

(b) "Outdoor refreshment area" shall mean a designated area in the city of Cleveland, which shall not exceed three hundred twenty contiguous acres or one-half square mile.

Section 669B.02 Application Submission

(a) Any owner of property seeking to have that property designated as an outdoor refreshment area or to expand an existing outdoor refreshment may file an application seeking this designation with the Mayor and the Directors of City Planning and Public Safety.

(b) An application to designate an area as an outdoor refreshment area shall contain all of the following:

(1) A map or survey of the proposed outdoor refreshment area in sufficient detail to identify the boundaries of the area, which shall not exceed three hundred twenty contiguous acres or one-half square mile;

(2) A general statement of the nature and types of establishments that will be located within the proposed outdoor refreshment area;

(3) A statement that the proposed outdoor refreshment area will encompass not fewer than four qualified permit holders;

(4) Evidence that the uses of land within the proposed outdoor refreshment area are in accord with the master zoning plan or map of the city;

(5) Evidence that the proposed outdoor refreshment area does not include an area that may be hazardous to pedestrian use including, but not limited to, railroad tracks, an area with a steep grade or slope, or an area that abuts waters in this City. For purposes of this Section, "waters in this City" means all streams, rivers, lakes, ponds, marshes, water courses, waterways, and all other bodies of water, natural or human-made, which are situated wholly or partially within the jurisdiction of the City of Cleveland.

(6) Proposed requirements for the purpose of ensuring public health and safety within the proposed outdoor refreshment area.

(7) A petition of support with signatures from not less than seventy-five percent (75%) of the owners of property within a two hundred (200) foot radius of the outdoor refreshment area, indicating approval of the designation for the area. The Directors of City Planning and Public Safety may modify the petition boundaries when deemed appropriate and shall also certify the accuracy of the petition;

Section 669B.03 Application Processing

(a) *Action by Mayor.* After receiving an application under Section

669B.02, the Mayor may submit the application with the Mayor's recommendation to City Council to have the area described in the application designated as an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the city.

(b) *Public Notice by City Council.* Within forty-five days after the date the application is filed with the City Council, the City Council shall publish public notice of the application once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation. The City Council shall ensure that the notice states that the application is on file in the office of the clerk of council of the municipal corporation and is available for inspection by the public during regular business hours. The City Council also shall indicate in the notice the date and time of any public hearing to be held regarding the application by the City Council. The public hearing shall be held at a location within the proposed outdoor refreshment area.

(c) *Action by City Council.* Not earlier than thirty but not later than sixty days after the initial publication of notice, the City Council shall approve or disapprove the application by an affirmative vote of a majority of the City Council. Upon approval of the application by the City Council, the territory described in the application constitutes an outdoor refreshment area. The City Council shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the approval of the application and a description of the area specified in the application. If the City Council disapproves the application, the Mayor may make changes in the application to secure its approval by the City Council.

(d) The number of outdoor refreshment areas is limited as provided in RC 4301.82.

(e) Any qualified permit holder that receives an outdoor refreshment area designation from the division of liquor control, shall comply with all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements established for the area under Section 669B.04.

(f) Any person, including any qualified permit holder, is required to obtain a special event permit under Chapter 131 for organized events held in an outdoor refreshment area.

Section 669B.04 Requirements

(a) At the time of the creation of an outdoor refreshment area, the City Council shall establish the requirements that City Council determines necessary to ensure public health and safety within the area. The City Council shall include in the ordinance or resolution all of the following:

(1) The specific boundaries of the area, including street addresses;

(2) The number, spacing, and type of signage designating the area;

(3) The hours of operation for the area;

(4) The number of personnel needed to ensure public safety in the area;

(5) A sanitation plan that will help maintain the appearance and public health of the area;

(6) The number of personnel needed to execute the sanitation plan;

(7) A requirement that beer and intoxicating liquor be served solely in

plastic bottles or other plastic containers in the area;

(8) A regulation prohibiting any qualified permit holder from installing, operating, or causing to be installed or operated any sound amplifying device on the outside of the premises of the qualified permit holder without first obtaining a permit;

(9) A requirement that Applicant shall indemnify the City and provide one million dollars (\$1,000,000) of liability and property damage insurance which includes the City of Cleveland as an additional insured.

(b) The City Council may, include in the ordinance any public health and safety requirements proposed in an application under division (b) of Section 669B.02 to to designate or expand the outdoor refreshment area. The City Council may subsequently modify the public health and safety requirements as determined necessary by the City Council.

(c) Prior to adopting an ordinance or resolution under this division, the City Council shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code.

(d) The City Council shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the public health and safety requirements established or modified under this division.

(e) Section 4399.18 of the Revised Code applies to a liquor permit holder located within an outdoor refreshment area in the same manner as if the liquor permit holder were not located in an outdoor refreshment area.

Section 669B.05 Review of Outdoor Refreshment Areas

(a) Five years after the date of creation of an outdoor refreshment area, the City Council of the municipal corporation that created the area under this section shall review the operation of the area and shall, by ordinance or resolution, either approve the continued operation of the area or dissolve the area. Prior to adopting the ordinance, the City Council shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code.

(b) If the City Council dissolves the outdoor refreshment area, the outdoor refreshment area ceases to exist. The City Council then shall provide notice of its action to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders within the dissolved area. If the City Council approves the continued operation of the outdoor refreshment area, the area continues in operation.

(c) Five years after the approval of the continued operation of an outdoor refreshment area under division (a) of this section, the City Council shall conduct a review in the same manner as provided in division (a) of this section. The City Council also shall conduct such a review five years after

any subsequent approval of continued operation under division (b) of this section.

(d) At any time, the City Council may dissolve all or a part of an outdoor refreshment area. Prior to adopting the ordinance or resolution, the City Council shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code. If the City Council dissolves all or part of an outdoor refreshment area, the area designated in the ordinance or resolution no longer constitutes an outdoor refreshment area. The City Council shall provide notice of its actions to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders within the dissolved area or portion of the area.

Section 2. That Section 617.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1011-95, passed August 23, 1995, is amended to read as follows:

Section 617.07 Open Container Prohibited; Exception

(a) As used in this section, "street", "highway", and "motor vehicle" have the same meanings as in RC 4511.01.

(b) No person shall have in his or her possession an opened container of beer or intoxicating liquor in any of the following circumstances:

- (1) In a state liquor store;
- (2) On the premises of the holder of any permit issued by the department of liquor control;
- (3) In any other public place;
- (4) While operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;
- (5) While being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(6) **A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under Chapter 699B if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:**

1. The permit holder's premises is located within the outdoor refreshment area.

2. The permit held by the permit holder has an outdoor refreshment area designation.

B. Division (b)(6) of this section does not authorize a person to do either of the following:

- 1. Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;**
- 2. Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under division (c) of this section.**

(c) This section does not apply to beer or intoxicating liquor which has been lawfully purchased for consumption on the premises where bought of a holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-7, E, F, or F-2 permit, or to beer or intoxicating liquor consumed on the premises of a convention facility as provided in RC 4303.201.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(RC 4301.62)

Section 3. That Section 617.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1011-95, passed August 23, 1995, is repealed.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 645-16.

By Council Member Kelley (by departmental request).

An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2017 and submit it to the County Budget Commission as required by State Law, Chapter 5705 of the Revised Code.

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

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

Section 1. That the Council, under the provisions of Chapter 5705 of the Revised Code, after public hearings as required by law, does adopt the statements of the year 2017 requirements for the several funds of the City of Cleveland as being the budget required by state law to be submitted to the County Budget Commission, which requirements are contained in File No. 645-16-A.

Section 2. That the Clerk of Council is directed to certify a copy of the resolution to the County Auditor of Cuyahoga County.

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

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

Res. No. 662-16.

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

An emergency resolution declaring the intent to vacate a portion of Bay Street (formerly Plum St.)

Whereas, this Council is satisfied that there is good cause to vacate a portion of Bay Street (Plum St), as described; and

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

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

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

Bay Street (formerly Plum Street)

Situated in the City of Cleveland County of Cuyahoga and State of Ohio of part of Original Brooklyn Township No. 70 as shown in Averell & Bradford's Grove Allotment, recorded in Volume 3, Page 4, of the Cuyahoga County Map Records, further described as follows;

Being all the portion of Bay Street (formerly Plum Street) (30.00 feet wide) extending from the East line of West 20th Street northeasterly to its terminus.

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

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

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

Res. No. 663-16.

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

An emergency resolution declaring the intent to vacate portions of Division Avenue, West 29th Street, West 45th Street, West 53rd Street.

Whereas, this Council is satisfied that there is good cause to vacate portions of Division Avenue, West 29th Street, West 45th Street and West 53rd Street, as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot Number 50, further described as follows:

Vacation of a Portion of

Division Avenue (66 feet wide)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 50.

Beginning at an iron pin set at the intersection of the easterly right of way of West 53rd Street (50 feet wide) and the southerly right of way of Division Avenue (66 feet wide);

Thence, along the southerly right of way of Division Avenue, North 87° 58' 10" West, 50.00 feet to the westerly right of way of West 53rd Street;

Thence, leaving the southerly right of way of Division Avenue, North 01° 59' 03" East, 66.00 feet to a "Garrett" capped iron pin found in the northerly right of way of Division Avenue (66 feet wide) at the southwesterly corner of Block "C" of Lot Split Plat for the City of Cleveland Department of Economic Development as recorded in Volume 357, Page 00 of the Cuyahoga County Map Records;

Thence, along the northerly right of way of Division Avenue, South 87° 58' 10" East, 308.67 feet;

Thence, leaving the northerly right of way of Division Avenue, South 02° 01' 50" West, 66.00 feet to the southerly right of way of Division Avenue;

Thence, along the southerly right of way of Division Avenue, North 87° 58' 10" West, 258.62 feet to the point of beginning.

Containing within said bounds 0.4676 acres of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in April 2016.

Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS PROP MARKER".

Vacation of a Portion of

Division Avenue (66 feet wide)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 50, further described as follows:

Being all that portion of Division Avenue N.W. (66.00 feet wide) extending from the west right of way of West 45th Street (66.00 feet wide) to the west right of way of West 29th Street (66.00 feet wide).

West 53rd Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 50, further described as follows:

Being all that portion of West 53rd Street (50.00 feet wide) extending from the south right of way of Division Avenue N.W. (66.00 feet wide) to the north right of way of Crescent Avenue N.W. (66.00 feet wide).

West 45th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 50, further described as follows:

Being all that portion of West 45th Street (66.00 feet wide) extending from the south right of way of Division Avenue N.W. (66.00 feet wide) to the north right of way of Crescent Avenue N.W. (66.00 feet wide).

West 29th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 50, further described as follows:

Being all that portion of West 29th Street (formerly State Street) (66.00 feet wide) extending from the south right of way of Division Avenue N.W. (66.00 feet wide) to that portion of West 29th Street (formerly State Street) (66.00 feet wide) vacated by ordinance 80337, passed September 26, 1927.

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 664-16.

By Council Member Dow.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Hough Development Corporation for the Hough Chronicles Project through the use of Ward 7 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement with Hough Development Corporation for the Hough Chronicles Project for the public purpose of providing a community newspaper promoting various community, residential and economic opportunities to residents in Cleveland's Hough neighborhood through the use of Ward 7 casino revenue funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

Ord. No. 668-16.

By Council Member Polensek.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Waterloo Arts for the Waterloo Arts Expo through the use of Ward 8 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized effective April 1, 2016 to enter into agreement with Waterloo Arts for the Waterloo Arts Expo for the public purpose of providing art education and art demonstration projects to city of Cleveland residents through the use of Ward 8 casino revenue funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

Ord. No. 669-16.

By Council Member Reed.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Mount Pleasant NOW Development Corporation for the Neighborhood Beautification Program through the use of Ward 2 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement with the Mount Pleasant NOW Development Corporation for the Neighborhood Beautification Program for the public purpose of eliminating slum and blight in Cleveland neighborhoods through the use of Ward 2 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,750 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

FIRST READING EMERGENCY RESOLUTION READ IN FULL AND ADOPTED

Res. No. 667-16.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 3850 East 65th Street, 1st floor east unit and repealing Resolution No. 341-16 objecting to said permit.

Whereas, this Council objected to a transfer of ownership of a C1 and C2 Liquor Permit to Shaker Jamil, Inc., DBA Mike's Food Mart, 3850 East 65th Street, 1st floor east unit, Cleveland, Ohio 44105, Permanent Number 8026805 by Resolution No. 341-16 adopted by the Council on March 14, 2016; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to Shaker Jamil, Inc., DBA Mike's Food Mart, 3850 East 65th Street, 1st floor east unit, Cleveland, Ohio 44105, Permanent Number 8026805, be and the same is hereby withdrawn and Resolution No. 341-16, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 295-16.

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

An emergency ordinance to levy special assessments to relay and repair sidewalks, (including adjustments of castings, if necessary) encroaching upon the public right-of-way on Clifton Boulevard from West 115th Street to Lake Avenue.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Passage recommended by Committees on Municipal Services and Properties, Finance.

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

Ord. No. 465-16.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more agreements with Cumberland Lakefront, LLC to provide financial assistance to partially finance the cost of the improving the restroom and volleyball courts at Voinovich Park.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Transportation, Finance.

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

Ord. No. 466-16.

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

An emergency ordinance authorizing the Director of Port Control to exercise the second option to renew Contract No. PS 2014-146 with Grants Plus, LLC to provide grant writing and resource development services for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Transportation, Finance.

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

Ord. No. 503-16.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide financial consulting services, for a period of one year with three one-year options to renew, the second of which requires additional legislative authority.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Transportation, Finance.

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

Ord. No. 536-16.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden program.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 537-16.

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

An emergency ordinance appropriating Community Development Block Grant and HOME Program funds for administrative expenses of the Department of Community Development.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 538-16.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 540-16.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 226-15, passed April 13, 2015, as amended by Ordinance No. 1351-15, passed December 7, 2015, relating to parking revenue control equipment and software with reporting features for the Willard Park Garage, the East Gateway Garage, and the West Side Market Parking Lot.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

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

Ord. No. 548-16.

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

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational, and cultural programs in various school buildings and recreation centers during evening hours, provide leadership training, and supervise the summer tennis program.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

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

Ord. No. 550-16.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to remove rubber and any other contaminants from

paved surfaces, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which requires additional legislative authority.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Transportation, Finance.

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

Ord. No. 556-16.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts for Commercial Revitalization and rebate, grant, and/or loan agreements with Storefront Renovation Program applicants; to employ one or more professional consultants to implement the program; and to enter into agreements for eligible costs to community development corporations for implementation of the Storefront Renovation and Commercial Revitalization Programs.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 559-16.

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

An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 565-16.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 566-16.

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

An emergency ordinance appropriating Community Development Block

Grant funds for anti-predatory lending and foreclosure prevention assistance, financial literacy programs, fair housing, and administrative costs to implement the programs.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 569-16.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with various agencies to provide social service programs, including the senior transportation program.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 576-16.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the State of Ohio for environmental assistance for proposed redevelopment of the filling station located at 12813 Bellaire Road; and authorizing the Director to enter into one or more contracts with Westown Community Development Corporation, or its designee, to implement the project.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 577-16.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a forgivable loan agreement under the Vacant Property Initiative with Victory Midtown, LLC, or its designee, to provide economic development assistance to partially finance the acquisition of Permanent Parcel No. 118-14-008 needed to support the development of the Victory Building, and other associated costs necessary to redevelop the property.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 580-16.

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

An emergency ordinance authorizing the Director of Public Works, or other Directors as applicable to the jurisdiction of the property, to enter into one or more Concession Agreements with Cuyahoga County to install, operate, and maintain a bike share system at various locations for a period of one year, with five one-year options to renew, exercisable by the appropriate Director.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

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

Ord. No. 581-16.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Westside Industrial Retention and Expansion Network to provide economic development assistance to finance the administration of the Cleveland Industrial Retention Initiative.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 582-16.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a forgivable loan agreement with Playhouse Square Foundation, or its designee, to provide economic development assistance to partially finance the large scale renovation of the State, Ohio, and Connor Palace theaters, and other associated costs necessary to redevelop the properties.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 625-16.

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

An emergency ordinance to amend Section 2 of Ordinance No. 986-14, passed September 29, 2014, relating to contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

MOTION

On the motion of Council Member Brancatelli, the absence of Council Member Kevin Conwell is hereby authorized. Seconded by Council Member K. Johnson.

MOTION

The Council Meeting adjourned at 7:56 p.m. to meet on Monday, June 6, 2016, at 7:00 p.m. in the Council Chamber.



Allan Dreyer
Deputy Clerk,
Clerk of Council Pro Tempore

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 18, 2016

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 18, 2016 at 10:36 a.m. with Director Langhenry presiding.

Present: Director Langhenry, Acting Directors Ollie Shaw, Kevyn Shaw, Director Cox, Interim Director Walker-Minor, Director McGrath, Acting Director Cosgrove, Directors Nichols, Fumich, and O'Leary.

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

Others: Tiffany White, Commissioner, Purchases & Supplies.

Melissa Burrows, Director, Office of Equal Opportunity.

Matthew Spronz, Director, Mayor's Office of Capital Projects.

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

Resolution No. 230-16.

By Director Davis.

Be it resolved, by the Board of Control of the City of Cleveland that the bids received on February 19, 2016, for Purchase of Splice Kits, Supplies and Accessories for Electrical Wire and Cable for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Director Langhenry, Acting Directors Ollie Shaw, Kevyn Shaw, Directors Cox, McGrath, Acting Director Cosgrove, Directors Nichols, Fumich, and O'Leary.

Nays: None.

Absent: Mayor Jackson, Director Dumas, and Interim Directors Walker-Minor, and West.

Resolution No. 231-16.

By Interim Director Szabo.

Resolved, by the Board of Control of the City of Cleveland that all bids received for the necessary items of various types of parts necessary to repair and maintain vehicles, trucks and various types of equipment, including labor and installation, if necessary, items 5, 5(a), 5(b), 7, 7(a) and 7(b) at Cleveland Hopkins International Airport, Department of Port Control, received on February 24, 2016, under the authority of Ordinance No. 225-15, passed April 27, 2015, are rejected.

Yeas: Director Langhenry, Acting Directors Ollie Shaw, Kevyn Shaw, Directors Cox, McGrath, Acting Director Cosgrove, Directors Nichols, Fumich, and O'Leary.

Nays: None.

Absent: Mayor Jackson, Director Dumas, and Interim Directors Walker-Minor, and West.

Resolution No. 232-16.

By Director Spronz.

Whereas, under the authority of Ordinance No. 1612-10, passed by Cleveland City Council February 7, 2011, as amended by Ordinances No. 1097-11, passed September 19, 2011, No. 1716-12, passed on February 11, 2013, and No. 843-14 passed on August 20, 2014, and Board of Control Resolutions No. 295-11, adopted June 29, 2011, and No. 404-15, adopted October 21, 2015, the City, through its Director of Capital Projects, entered into Contract No. PS2011-184 with Burgess & Niple, Inc. ("Engineer") for professional engineering consulting services necessary for the reconstruction of Canal Road Bridge, PID 89064 (the "Project"); and

Whereas, the City requires additional engineering services necessary to provide dispute resolutions and monitor existing bridge integrity from cracks uncovered during construction; and

Whereas, Engineer has proposed by its April 12, 2016 letter to perform the above-mentioned additional services for an amount not to exceed \$80,000; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Capital Projects is authorized to enter into a second modification to Contract No. PS2011-184 with Burgess & Niple, Inc., in accordance with its proposal dated April 12, 2016, for the additional engineering services necessary to provide dispute resolutions and monitor existing bridge integrity from cracks uncovered during construction, for an additional amount not exceeding \$80,000, thereby increasing the total compensation under the contract to \$634,000.00.

Yeas: Director Langhenry, Acting Directors Ollie Shaw, Kevyn Shaw, Directors Cox, McGrath, Acting Director Cosgrove, Directors Nichols, Fumich, and O'Leary.

Nays: None.

Absent: Mayor Jackson, Director Dumas, and Interim Directors Walker-Minor, and West.

Resolution No. 233-16.

By Director Spronz.

Whereas, under the authority of Ordinance No. 1514-14 and 1515-14, both passed by Cleveland City Council December 8, 2014, Board of Control Resolution No. 73-15, adopted

March 11, 2015 amended by Resolution 139-15 adopted by the Board of Control on April 22, 2015 and the City, through its Director of Capital Projects, entered into Contract No. PI2015-023 with DLZ Ohio, Inc. ("Engineer") for professional engineering consulting services necessary for the rehabilitation of MLK Bridges, PID 98548 and PID 98550 (the "Capital Repair Projects"); and

Whereas, the City requires additional engineering services necessary to design capital repairs to the existing Ansel (Dryden) Road Bridge, PID 102532, as part of the Capital Repair Projects; and

Whereas, design costs for MLK Bridges 5:029 and 5:055 have been less than expected, Engineer has proposed by its April 27, 2016 letter to perform the above-mentioned additional services without any increase in the \$500,270.00 compensation under the contract authorized in Resolution No. 73-15, as amended; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Capital Projects is authorized to enter into a first modification to Contract No. PI2015-023 with DLZ Ohio, Inc. for performance of the above-mentioned additional services for repairs to the existing Ansel Road Bridge on the basis of its April 27, 2016 proposal, at no increase in its total compensation under the contract of not to exceed \$500,270.00.

Yeas: Director Langhenry, Acting Directors Ollie Shaw, Kevyn Shaw, Directors Cox, McGrath, Acting Director Cosgrove, Directors Nichols, Fumich, and O'Leary.

Nays: None.

Absent: Mayor Jackson, Director Dumas, and Interim Directors Walker-Minor, and West.

Resolution No. 234-16.

By Director Spronz.

Whereas, under the authority of Ordinance No. 732-14 passed by the Council of the City of Cleveland on June 9, 2014 and Resolution No. 538-14 adopted by this Board of Control on November 26, 2014, the City, through its Director of Capital Projects, entered into City Contract No. PS2015*125 with the Osborn Engineering Company to provide professional architectural/engineering services for the rehabilitation and new construction of Public Facilities for Public Works, Public Safety, and Public Health Design Package 1: Various Recreation Center and Park Improvements; and

Whereas, the City desires a first modification to City Contract No. PS2015*125 based on the completion of a facilities assessment which identifies additional life safety and "warm, safe and dry issues beyond the original scope of work"; and

Whereas, the Osborn Engineering Company has proposed by its April 27, 2016 letter to perform the above mentioned additional services for a fee not to exceed \$114,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, the City, through its Director of Capital Projects, is authorized to enter into a first modification to Contract No. PS2015*125 with the Osborn Engineering Company for additional

professional architectural/engineering services necessary, for an additional amount not to exceed \$114,000.00, thereby increasing the total compensation under the contract to \$515,320.00.

Be it further resolved that the modification authorized hereby shall be prepared by the Director of Law and shall include such additional provisions as said Director deems necessary to protect and benefit the public interest.

Yeas: Director Langhenry, Acting Directors Ollie Shaw, Kevyn Shaw, Directors Cox, McGrath, Acting Director Cosgrove, Directors Nichols, Fumich, and O'Leary.

Nays: None.

Absent: Mayor Jackson, Director Dumas, and Interim Directors Walker-Minor, and West.

Resolution No. 235-16.

By Director McGrath.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Advantech Service and Parts, LLC for an estimated quantity of UTV patient transport vehicles, Item 1, for the Division of Emergency Medical Services, Department of Public Safety, for a period of six (6) months beginning on the date of execution of a contract for the goods and/or services, received on May 13, 2016, under the authority of Ordinance No. 880-14, passed July 16, 2014, which on the basis of the estimated quantity would amount to \$429,653.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the specified goods and/or services.

The requirement contract shall further provide that the Contractor shall furnish all the City's requirements for such 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: Director Langhenry, Acting Directors Ollie Shaw, Kevyn Shaw, Directors Cox, McGrath, Acting Director Cosgrove, Directors Nichols, Fumich, and O'Leary.

Nays: None.

Absent: Mayor Jackson, Director Dumas, and Interim Directors Walker-Minor, and West.

Resolution No. 236-16.

By Director Cox.

Whereas, the City of Cleveland owns and operates certain real property commonly known as the Willard Park Garage under the supervision and direction of the Director of Public Works; and

Whereas, MVP Services, LLC, has proposed to offer valet parking services to the general public for the American Israel Public Affairs Committee Conference (AIPAC) to be held at Cleveland Public Auditorium by using the Willard Park Garage; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a concession agreement with MVP Services, LLC to use Willard Park Garage to offer valet parking services to the public for a fee per

event of \$450.00 plus \$5.00 per vehicle parked for the above-mentioned event to be held at the Cleveland Public Auditorium on May 23, 2016.

The concession agreement shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit public interest.

Yeas: Director Langhenry, Acting Directors Ollie Shaw, Kevyn Shaw, Director Cox, Interim Director Walker-Minor, Director McGrath, Acting Director Cosgrove, Directors Nichols, Fumich, and O'Leary.

Nays: None.

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

Resolution No. 237-16.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on May 11, 2016 for the purchase of UTVs and Related Equipment, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, under the authority of the Ordinance No. 880-14, passed by Cleveland City Council on July 16, 2014, are rejected.

Yeas: Director Langhenry, Acting Directors Ollie Shaw, Kevyn Shaw, Director Cox, Interim Director Walker-Minor, Director McGrath, Acting Director Cosgrove, Directors Nichols, Fumich, and O'Leary.

Nays: None.

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

Resolution No. 238-16.

By Director Cox.

Whereas, by Resolution No. 250-12, adopted on June 6, 2012 under the authority of Section 131.15(f) of the Codified Ordinances of Cleveland, Ohio 1976, this Board of Control established the rental rates for the Cleveland Public Auditorium, its various rooms, halls, and portions thereof; and

Whereas, the City of Cleveland will sponsor the Cleveland International Tattoo 2016 to be held on May 21, 2016; and

Whereas, the Cleveland International Tattoo 2016 is open to the public free of charge; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that notwithstanding and as an exception to the terms of Resolution No. 250-12, adopted by this Board of Control on June 6, 2012, the use of space at the Cleveland Public Auditorium for the Cleveland International Tattoo 2016 shall be provided at no charge.

Be it further resolved that the Cleveland Public Auditorium shall charge the Department of Public Safety at the prevailing rate for any labor, materials, and equipment supplied.

Yeas: Director Langhenry, Acting Directors Ollie Shaw, Kevyn Shaw, Director Cox, Interim Director Walker-Minor, Director McGrath, Acting Director Cosgrove, Directors Nichols, Fumich, and O'Leary.

Nays: None.

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

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, JUNE 6, 2016

9:30 A.M.

Calendar No. 16-087: 5609 Whittier Avenue (Ward 7)

Eleanor B. Rainey Institute, owner, proposes to construct a parking lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that in a Two-Family District a parking lot is not a permitted use.

2. Section 349.13(c) which states that The Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a Residence District, other than a Limited One-Family District, for a parking lot when the best interests of the community will be served, and provided that:

(1) The lot is to be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance;

(2) No charge is to be made for parking on the lot;

(3) The lot is not to be used for sales, repair work or servicing of any kind;

(4) Entrance to and exit from the lot are to be located so as to do the least harm to the Residence District;

(5) No advertising sign or material is to be located on the lot;

(6) All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board;

(7) The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, slightly fence or wall not less than four (4) feet six (6) inches high and not more than five (5) feet high located back of the setback building line. All lighting is to be arranged so that there will be no glare that is annoying to the occupants of adjoining property in a Residence District, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained;

(8) The building permit number under which the lot is established is to be posted;

(9) Such other and further conditions may be imposed as the Board may deem necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located.

3. Section 339.02(a) which states that accessory off-street parking shall be located no closer than ten feet to any adjacent residential building. (Filed May 6, 2016)

Calendar No. 16-088: 3328 East 55th Street aka 5437 Broadway Avenue (Ward 5)

4ever Social Club proposes to establish use as a free library and adult education resource center in a C2 General Retail Business Zoning District. The owner appeals for relief from the strict application of Section 349.04(e) which states that accessory Off-Street parking is required at the rate of one space per 150 square feet plus one space per employee. Forty-three parking spaces required and none are proposed. (Filed May 6, 2016)

Calendar No. 16-089: 4690 West 157th Street (Ward 16)

Devan Anderson, owner, proposes to erect 24' x 32' one story frame detached garage with existing 18' x 32' one story frame flat roof garage to remain in a B1 Two-Family Residential District. The owner appeals for relief from Section 337.23(7)(A) which states that the accessory garage(s) shall not exceed 1,116 square feet and the appellant is proposing 1,344 square feet. (Filed May 9, 2016)

Calendar No. 16-091: 2258 Professor Avenue (Ward 3)

Dave Ferrante, owner, proposes to change use from Funeral Home to Restaurant & Book Store in a C1 General Retail Business Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that 27 off street parking spaces are required and 11 spaces are provided.

2. Section 352.10 which states that a 6 foot wide landscape strip is required along Professor Avenue where parking lot abuts street and no landscape detail shown. (Filed May 11, 2016)

Calendar No. 16-092: 4506 Lorain Avenue (Ward 3)

Northcoast Shuffleboard Club, owner, proposes to erect a 4,000

square foot addition to building and establish use of new expanded space as bar, restaurant, and amusement/recreation use with indoor and outdoor shuffleboard courts and patio, and 17 car parking lot. The project area includes 4 separate parcels (to be consolidated) that are located in a B1 Two-Family Residential District or a C2 Local Retail Business District and a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b) which states that Amusement/recreation use is not permitted in Local Retail Business District but first permitted in General Retail Business District per Zoning Code Section 342.11(b)(2)(L), and only in such district if use is at least 500 feet from residence district per section 347.12(a)(2)(b). The proposed use is adjacent to and in residence district.

2. Section 337.03(b) which states that the proposed 17 car parking spot is not permitted in Two Family Residential District.

3. Section 349.04(e) which states that a Parking Area equal to two times the gross floor area is required after 1/3 parking reduction allowed for use in Pedestrian Retail overlay district section 342.23(i). The gross floor area is approximately 10,500 square feet requiring a 21,000 square feet parking area and a parking area of approximately 9,375 square feet is proposed.

4. Sections 352.08 Through 352.12 which states that a 10 foot wide landscaped transition strip providing at 75% year round opacity is required where the property abuts a residence district where the proposed landscaping varies from zero to six feet. Also, the Dumpster is located in required landscape transition strip area. Landscape plan is required.

5. Section 343.23(g)(3) which states that a building with an outdoor café can be setback a maximum of 15 feet where a 58 foot setback is proposed. (Filed May 11, 2016)

Calendar No. 16-094: 4175 Pearl Road (Ward 12)

Ariel Pearl Center, owner, proposes to change of use from bank and office to banquet on first floor and 13 unit apartment on second and third floor in C3 Local Retail Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.04 which states that a 22' front yard is required and a 0' front yard is shown.

2. Section 357.08(b)(3) which states that a minimum rear yard of 20' is required and a 2' rear yard is shown.

3. Section 357.05 which states that a 5' side street yard is required where a 0' side yard is shown.

4. Section 349.04(a)&(e) which state that 96 off-street parking spaces are required and 68 are shown and not owned by the appellant.

5. Section 355.04 which states that the maximum gross floor area of a building cannot exceed ½ the lot area; in this case 6,525 square foot gross floor area (based on lot area

of 13,050 square feet) is allowed and 24,762 square feet are proposed. (Filed May 11, 2016)

Violation Notice

Calendar No. 16-95: Appeal 12408 Union Avenue (Ward 4)

Hasan Nour, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation Number V16015219 issued on May 3, 2016 by the Cleveland Department of Building and Housing for failure to comply with Section 350.06 of the Cleveland Codified Ordinances which states Strips of pennants, propellers, pinwheels, streamers, balloons and similar small objects except as temporary displays specifically authorized for carnivals and open-air festivals under Section 329.07 and for new businesses under division (c) of Section 350.20 are prohibited in all zoning districts. (Filed May 12, 2016)

POSTPONED FROM MAY 9, 2016

Calendar No. 16-067: 1626 East 33rd Street (Ward 7)

Tam Shiu-Yeung, owner, proposes to construct a 600 square foot addition to an existing single family dwelling in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 357.08 which states that in a residence district the depth of a rear yard shall be not less than fifteen percent (15%) of the depth of the lot but in no case less than twenty feet provided that in Two-Family such depth shall not be less than the height of the main building. The required rear yard is approximately 29' - 3" and the proposed rear yard is 12 feet.

2. Section 357.09(b)(2)(B) which states that in a Two-Family Residential District no interior side yard shall be less than five feet in width for a corner lot, nor less than 3 feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. In this case the building height is approximately 29' - 3" thus no interior side yard shall be less than 7' - 4" where a 3 foot side yard is proposed. The proposed aggregate width of side yards is approximately 6 feet. (Filed April 13, 2016 - Testimony Taken)

First postponement made at the request of the Board in order for the appellant to complete drawings showing paving and drainage.

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 23, 2016

At the meeting of the Board of Zoning Appeals on Monday, May 23, 2016 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 16-006: 15202 Waterloo Road

Meir Besit Trust, owner, proposes to stripe and establish parking lot for auto sales lot in a C2 Local Retail Business District and a Pedestrian Retail Overlay District.

Calendar No. 16-75: 4174 East 71st Street Appeal Waste Collection Citation

Les Rutkowski, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered by the City of Cleveland Parking Violations Bureau Waste Collection and Photo Safety Division.

Calendar No. 16-78: 2226 Fulton Road

Cleveland Bricks, owner, proposes to erect a 20' x 20' one story frame attached garage and a 20' x 20' one story frame bedroom addition to existing single family residence in a B1 Two-Family Residential District.

The following appeal was **DENIED:**

Calendar No. 16-34: 3934 Lee Road

Strawbridge Family Corp., owner, proposes to change use to a funeral home in a C1 Local Retail Business District and an A1 One-Family District.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

Calendar No. 16-64: Appeal of Farah Warsame Taxi License Revocation

Farah Warsame, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) and 403.09 of the Cleveland Codified Ordinances to dispute the decision of the Commissioner of Assessments and Licenses to revoke Taxicab License Number RLUOU15-00399.

Calendar No. 16-77: 4357 Wyatt Avenue Appeal Waste Collection Citation

James Ladd, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered by the City of Cleveland Parking Violations Bureau Waste Collection and Photo Safety Division

The following case was **POSTPONED:**

Calendar No. 16-041: Ardent Products Corp.

6401 Midtown Commerce Park. Postponed to July 25, 2016.

The following cases were heard by the Board of Zoning Appeals on Monday, May 16, 2016 and the decisions were adopted and approved on Monday, May 23, 2016:

The following appeals were **APPROVED:**

Calendar No. 16-68: 4215-4217 Bailey Avenue

B.R. Knez, owner, proposes to construct a 1,781 square foot, two-story single family residence on a 4,480 square foot lot in a B1 Two-Family Residential District.

Calendar No. 16-69: 1455 West 32 Street

B.R. Knez, owner, proposes to construct a 1,561 square foot, two-story single family residence on a 2,640 square foot lot in a B1 Two-Family Residential District.

Calendar No. 16-72: 2132 West 18 Street

Matt Berges, owner, proposes to erect a 20' x 40' three-story single family residence with detached garage in a B1 Multi-Family Residential District.

Calendar No. 16-73: 16211 Lorain Avenue

Phillip Waters Jr., owner, Cleveland Moto Inc. propose to establish use as Motor Vehicle Sales Facility for motor cycles, scooters, accessories, and accessory service.

The following case was heard by the Board of Zoning Appeals on Monday, May 2, 2016 and the decision was adopted and approved on Monday, May 23, 2016:

The following appeal was **APPROVED:**

Calendar No. 16-53: 11623-11635 Clifton Boulevard

Lee Solding Inc., Katsaros Properties, LLC., owner, and Starbucks Corporation propose to change use of drive-through bank to Starbucks coffee shop.

The following case was heard by the Board of Zoning Appeals on Monday, April 25, 2016 and the decision was adopted and approved on Monday, May 23, 2016:

The following appeal was **APPROVED:**

Calendar No. 16-46: 1549 West 117th Street

Ingens Development, LLC., owner, proposes to pave existing gravel parking lot in a C2 Local Retail Business District and a Pedestrian Retail Overlay District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of May 18, 2016

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-39-16.

RE: Appeal of Opal Industrial Group, Inc., Owner of the VL Vacant Lot, located on the premises known as 2685 East 79th Street a NOTICE

OF VIOLATION — EXTERIOR MAINTENANCE, dated January 25, 2016 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-39-16 has been POSTPONED; to be rescheduled for June 1, 2016.

* * *

Docket A-51-16.

RE: Appeal of 4170 Lee Road Property, LLC and 4170 Lee Road Tavern, LLC, Owner of the A-2 Assembly — Nite Clubs, Restaurants Two Story Masonry Property, located on the premises known as 4170 Lee Road from a NOTICE OF VIOLATION — NO PERMIT, dated February 29, 2016 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 permission to occupy the building and operate it as a bar/restaurant until August 31, 2016; during that time, the Appellant will prepare and submit adequate accurate plans to the Building Department for zoning review and obtaining all required permits as required by the building code. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-53-16.

RE: Appeal of Elizabeth Farkas, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3151 West 104th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 16, 2016 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-39-16 has been POSTPONED; to be rescheduled for June 1, 2016.

* * *

Docket A-54-16.

RE: Appeal of Felix Adigwe (Deceased), Owner of the R-2 Residential — Non-transient; Apartments (Shared Egress) Two Story Frame Property, located on the premises known as 9609 Quebec Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 25, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 1, 2016 to obtain all required permits, and until November 1, 2016 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and

Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-55-16.

RE: Appeal of Morena E. Hernandez, Owner of the Two Dwelling Units Two-Family Residence Three Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 7807 Colgate Avenue from a NOTICE OF VIOLATION — FIRE DAMAGE, dated February 19, 2016, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 1, 2016 to obtain all required permits, and until July 30, 2016 to complete abatement of all violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-56-16.

RE: Appeal of Elliott R. & Mary C. Hooper, Owners of the One Dwelling Unit Single-Family Residence Two Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 15300 Chatfield Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 11, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until October 1, 2016 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. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-57-16.

RE: Appeal of Alwill Company Ltd., Owner of the Property, located on the premises known as 701 East 185th Street from a NOTICE OF VIOLATION — & ABATEMENT ORDER, dated February 16, 2016 of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-57-16 has been POSTPONED; to be rescheduled for June 15, 2016.

Docket A-59-16.

RE: Appeal of Christopher C. Jones, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 714 East 95th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 31, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 1, 2016 to obtain all required permits until November 30, 2016 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. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-60-16.

RE: Appeal of Luck Investments, Owner of the Three Dwelling Units Three-Family Residence Three Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 1915 West 54th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 4, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until August 1, 2016 to obtain all required permits, and until November 1, 2016 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. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-61-16.

RE: Appeal of JP Morgan Chase Bank, N.A., Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 17418 Harland Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 23, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 1, 2016 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

EXTENSION OF TIME:

Docket A-174-15.
Glenn Cunningham — 1435 West 50th Street:

A motion is in order at this time to grant the Appellant until August 31, 2016 to complete abatement of the exterior violations and until November 1, 2016 to complete abatement of all violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saab and seconded by Mr. Gallagher 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-33-16 — Sheldon Little
A-42-16 — Jesse Bloodsaw
A-44-16 — Kenneth L. Marshall
A-46-16 — Dennis Fox
A-47-16 — Roman Dowhaniuk
A-48-16 — Leonard Cooper
A-49-16 — HH Cleveland Hunting-ton, LP
A-50-16 — Luis A. Luciano
A-52-16 — Charles D. Hempstead
A-68-16 — 1200 Playhouse Square LLC

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

* * *

APPROVAL OF MINUTES:

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

May 4, 2016

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

* * *

CORRECTIONS TO CITY RECORD REPORT FROM THE MAY 4, 2016 BOARD MEETING:

Docket A-46-16 was not a resolution as submitted on the May 4, 2016 report. It should read as noted below:

Docket A-46-16.

RE: Appeal of Dennis Fox, Owner of the One Dwelling Unit Single-Family Residence Two Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known

as 3181 Warren Road from a NOTICE OF VIOLATION — NO PERMIT, dated February 5, 2016 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-46-16 has been POSTPONED; to be rescheduled for June 1, 2016.

* * *

The Owners name is not spelled correctly. It should read as follows:

Docket A-50-16.

RE: Appeal of Luis A. Luciano, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 4506 Behrwald Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 4, 2016 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).

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES FOR THE UPGRADE OF CLEVELAND CITY COUNCIL'S COMMITTEE HEARING ROOM AUDIO / VIDEO SYSTEM

PROPOSAL DUE DATE / TIME: Friday, June 3, 2016 / 5:30 p.m. (EST)
TO GET A COPY OF THE FULL RFP, GO TO www.clevelandcitycouncil.org.

Cleveland City Council requests responses from qualified parties to provide professional services necessary to provide, install, and implement Audio / Video (A/V) equipment as part of the upgrade to Cleveland City Council Committee Hearing Conference Room.

There will be a non-mandatory meeting for all potential proposers on **Friday, May 20, 2016, at 1:00 p.m.** at Cleveland City Hall, 601 Lakeside Avenue, East, Cleveland, Ohio, in Mercedes Cotner Council Committee Room 217.

May 11, 2016, May 18, 2016, May 25, 2016, and June 1, 2016.

NOTICE OF PUBLIC HEARING

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

Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Tuesday, May 31, 2016
9:30 a.m.

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will

hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Tuesday, May 31, 2016, at 9:30 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 506-16.

By Council Member McCormack.
An ordinance establishing an UCO District on the lands bounded by West 6th Street, St. Clair Avenue, West 3rd Street and Superior Avenue and as identified on the attached map (Map Change No. 2534).

Anthony Brancatelli, Chair
Committee on Development,
Planning and Sustainability

May 18, 2016 and May 25, 2016

NOTICE OF PUBLIC HEARING

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

Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, June 6, 2016
9:30 a.m.

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, June 6, 2016, at 9:30 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 552-16.

By Council Member Kazy.
An ordinance changing the Use, Area and Height Districts of parcels along the east side of W. 130th Street, at the Southwest corner of Lena Avenue to a Limited Retail (LLR) or Multi-Family District, a "G" Area District and a "2" Height District as identified on the attached map (Map Change No. 2535).

Anthony Brancatelli, Chair
Committee on Development,
Planning and Sustainability

May 25, 2016 and June 1, 2016

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will

be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, JUNE 3, 2016

File No. 71-16 — Interlocking Steel Barriers (Rebid No. 2), for the various Divisions of Department of Public Safety, as authorized by Ordinance No. 880-14, passed by the Council of the City of Cleveland, July 16, 2014.

THERE WILL BE AN **OPTIONAL** PRE-BID MEETING, ON THURSDAY, MAY 26, 2016 AT 4:30 P.M. 601 LAKESIDE AVENUE ROOM 18, CITY HALL FINANCIAL REPORTING & CONTROL (FRC) CLEVELAND, OHIO 44114.

File No. 72-16 — Utility Task Vehicles & Related Equipment (Re-Bid), for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 880-14, passed by the Council of the City of Cleveland, July 16, 2014.

THERE WILL BE AN **OPTIONAL** PRE-BID MEETING, ON THURSDAY, MAY 26, 2016 AT 10:30 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OHIO 44114.

May 18, 2016 and May 25, 2016

WEDNESDAY, JUNE 15, 2016

File No. 73-16 — 2016 Multiple Parks Site Improvements, for the Division of Architecture and Site Development, Mayor's Office of Capital Projects, as authorized by Ordinance No. 732-14, passed by the Council of the City of Cleveland, June 9, 2014.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR

MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, JUNE 2, 2016 AT 10:00 A.M. THE DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, 601 LAKESIDE AVENUE, ROOM 571A, CLEVELAND, OH 44114.

May 25, 2016 and June 1, 2016

THURSDAY, JUNE 16, 2016

File No. 74-16 — Repairing, Maintaining and Installing Asphalt on Runways, Taxiways, Ramps, Roads and other Surfaces, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 874-15, passed by the Council of the City of Cleveland, September 28, 2015.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JUNE 7, 2016 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.

May 25, 2016 and June 1, 2016

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 587-16.

By Council Member Pruitt.

An emergency resolution supporting Ohio's Energy Efficiency Resource and Renewable Portfolio Standards to create jobs, save consumers money and protect public health, and urging Governor Kasich and the Ohio General Assembly to reinstate these Standards without further delay.

Whereas, in 2008, the State of Ohio passed the Energy Efficiency Resource and Renewable Portfolio Standards that ensures Ohioans have access to clean, low-cost, and diverse energy sources; and

Whereas, Ohio's energy efficiency programs implemented under the state's clean energy standards have netted Ohio consumers more than \$1.5 billion in savings to date and will result in more than \$4.1 billion in savings over the life of the programs; and

Whereas, as of 2016, there were over 100,000 Ohioans working in clean energy businesses, over 12,000 of which are located in Cuyahoga County; and

Whereas, on average, every dollar that has been spent on energy efficiency programs in Ohio has resulted in two dollars in savings for consumers; and

Whereas, many of Ohio's cities are taking important action to implement local clean energy policies and projects to create jobs and deliver residents significant savings on their energy bills; and

Whereas, the City of Cleveland has embraced sustainability and clean energy and been an active leader in energy efficiency and renewable energy deployment through a series of initiatives and actions over the past decade to help save residents money and create jobs; and

Whereas, in 2008, the City of Cleveland adopted a citywide Advanced Energy Portfolio Standard; the standard ensures that 15% of Cleveland Public Power's energy came from advanced or renewable sources in 2015, 20% by 2020, and 25% by 2025; and

Whereas, in 2009, the City of Cleveland updated the zoning code regulations to ensure that wind energy facilities are developed and maintained to maximize utilization of Cleveland's wind energy resources while protecting public health, safety and welfare; and

Whereas, in 2015, through the City of Cleveland's Municipal Aggregation Program, 50% of the city's energy came from renewable sources; this means that half of each participant's electricity usage is backed with renewable energy credits; and

Whereas, in 2014 the Ohio General Assembly froze the state Energy Efficiency Resource and Renewable Portfolio Standards for two years and now, in 2016, there are efforts by some state lawmakers to continue this freeze; however, further delay in reinstating the Standards will cost jobs, deprive consumers of savings, and increase public health risks; and

Whereas, according to the American Lung Association's 2016 "State of the Air" report, the Cleveland metropolitan area still fails to meet the annual national air quality standard; and

Whereas, the American Lung Association is calling on Ohio's leaders to reinstate the state Energy Efficiency Resource and Renewable Portfolio Standards to reduce harmful emissions from power plants that threaten air quality and harm public health; and

Whereas, sound clean energy policy creates jobs for the local economy, provides opportunities for local businesses and residents to save money, and protects public health through investments in a low-emissions, diverse electric grid; 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 Ohio's Energy Efficiency Resource and Renewable Portfolio Standards to create jobs, save consumers money and protect public health, and urges Governor Kasich and the Ohio General Assembly to reinstate these Standards without further delay.

Section 2. The Clerk of Council is directed to transmit copies of this resolution to Governor John Kasich, Cliff Rosenberger, the Speaker of the House, Keith Faber, the President of the Senate, Mike Dovilla, the Chair of the Ohio House Public Utilities Committee, Al Landis, the Chair of the Ohio House Energy and Natural Resources Committee, William Seitz, the Chair of the Ohio Senate Public Utilities Committee, Troy Balderson, the Chair of the Ohio Senate Energy

and Natural Resources Committee, all members of the Ohio House Public Utilities Committee, all members of the Ohio Senate Public Utilities Committee, all members of the Ohio House Energy and Natural Resources Committee, and all members of the Ohio Senate Energy and Natural Resources Committee.

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 May 16, 2016.

Effective May 18, 2016.

Res. No. 636-16.

By Council Member Zone.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 2184 West 85th Street and repealing Resolution No. 343-16 objecting to said permit.

Whereas, this Council objected to a transfer of ownership of a C2 and C2X Liquor Permit to Najada Town Foods, Inc., 2184 West 85th Street, Cleveland, Ohio 44102, Permanent Number 6286885 by Resolution No. 343-16 adopted by the Council on March 14, 2016; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to Najada Town Foods, Inc., 2184 West 85th Street, Cleveland, Ohio 44102, Permanent Number 6286885, be and the same is hereby withdrawn and Resolution No. 343-16, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted May 16, 2016.

Effective May 18, 2016.

Ord. No. 1275-15.

By Council Member Kelley.

An emergency ordinance to repeal various sections of Chapter 403 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances and to supplement the codified ordinances by enacting new sections 403.02, 403.10, 403.12 and 403.99 relating to enforcement, compliance and penalty in the traffic 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 403.02 as amended by Ordinance No. 835-03, passed June 10, 2003,

Section 403.10, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 403.12, as amended by Ordinance No. 91-96, passed March 18, 1996, and

Section 403.99, as amended by Ordinance No. 1659-12, passed April 15, 2013

are repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 403.02, 403.10, 403.12 and 403.99 to read as follows:

Section 403.02 Compliance with Lawful Order of Police Officer; Fleeing

(a) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.

(b) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(c) (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.

(2) A violation of division (a) of this section is a misdemeanor of the first degree.

(3) Except as provided in divisions (c)(4) and (c)(5) of this section, a violation of division (b) of this section is a misdemeanor of the first degree.

(4) Except as provided in division (c)(5) of this section, a violation of division (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in committing the offense, the offender was fleeing immediately after the commission of a felony.

(5) A. A violation of division (b) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:

1. The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.

2. The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

B. If a police officer pursues an offender who is violating division (b) of this section and division (c)(5)A. of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of division (b) of this section, shall consider, along with the factors set forth in RC 2929.12 and 2929.13 that are required to be considered, all of the following:

1. The duration of the pursuit;
2. The distance of the pursuit;

3. The rate of speed at which the offender operated the motor vehicle during the pursuit;

4. Whether the offender failed to stop for traffic lights or stop signs during the pursuit;

5. The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;

6. Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;

7. Whether the offender committed a moving violation during the pursuit;

8. The number of moving violations the offender committed during the pursuit;

9. Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.

(d) In addition to any other sanction imposed for a violation of division (a) of this section or a misdemeanor violation of division (b) of this section, the court shall impose a class five (5) suspension from the range specified in RC 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section or under RC 2921.331 or any other substantially equivalent municipal ordinance, in addition to any other sanction imposed for the offense, the court shall impose a class one (1) suspension as described in RC 4510.02(A)(1). The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in RC 4510.021. No judge shall suspend any portion of the suspension under a class one (1) suspension of an offender's license, permit, or privilege required by this division.

(e) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Moving violation" has the same meaning as in RC 2743.70.

(2) "Police officer" has the same meaning as in RC 4511.01. (RC 2921.331(A) - (C), (E), (F))

Section 403.10 Road Workers, Motor Vehicles and Equipment Excepted

(a) The provisions of this Traffic Code, except for Section 433.01, do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic-control devices, but apply to those persons and vehicles when traveling to or from that work.

(b) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and any other markings as are required by law and the lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of RC 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, 4513.02 and 5577.01 to 5577.09, and any substantially equivalent section of this Traffic Code or these Codified Ordinances.

(c) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of RC 4511.22,

4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66 or 4513.02 or 5577.01 to 5577.09, or any substantially equivalent section of this Traffic Code or these Codified Ordinances.

(2) This section does not exempt the driver of a vehicle that is engaged in the transport of highway maintenance equipment from criminal liability for a violation of RC 5577.01 to 5577.09, or any substantially equivalent section of this Traffic Code or these Codified Ordinances. (RC 4511.04)

Section 403.12 Freeway Use Prohibited by Pedestrians, Bicycles and Animals

(a) No person, unless otherwise directed by a police officer, shall:

(1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance.

(2) Occupy any space within the limits of the right-of-way of a freeway, with an animal-drawn vehicle, a ridden or led animal, herded animals, a pushcart, a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use, a bicycle with motor attached, a motor-driven cycle with a motor which produces not to exceed five (5) brake horsepower, an agricultural tractor or farm machinery, except in the performance of public works or official duties.

(b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (RC 4511.051)

Section 403.99 General Traffic Code Penalty; Misdemeanor Penalties

(a) *General Traffic Code Penalty.* Whoever violates any provision of this traffic code for which no penalty otherwise is provided in the section violated is guilty of one (1) of the following:

(1) Except as otherwise provided in division (a) (2) or (a) (3) of this section, a minor misdemeanor;

(2) If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, a misdemeanor of the fourth degree;

(3) If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to two (2) or more predicate motor vehicle or traffic offenses, a misdemeanor of the third degree. (RC 4511.99)

(b) *Misdemeanor Penalties.* Whoever is convicted of or pleads guilty to a

violation of this traffic code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Misdemeanor Classification	Maximum Imprisonment Term	Maximum Fine
1st degree	180 days	\$1,000.00
2nd degree	90 days	\$750.00
3rd degree	60 days	\$500.00
4th degree	30 days	\$250.00
Minor	None	\$150.00

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 May 16, 2016.
Effective May 18, 2016.

**Ord. No. 31-16.
By Council Members Cimperman, K. Johnson and Brancatelli (by departmental request).**

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the County of Cuyahoga, Ohio to encroach into the public right-of-way beneath Lakeside Avenue by installing, using, and maintaining a hotel-garage walkway tunnel.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to the County of Cuyahoga, Ohio, 2079 East 9th Street, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public right-of-way beneath Lakeside Avenue by installing, using, and maintaining a hotel-garage walkway tunnel at the location further described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot No. 38, further bounded and described as follows:

Beginning at the drill hole in the stone monument found at the intersection of the centerline of Ontario Street (99 feet wide) with the centerline of Lakeside Avenue (99 feet wide); Thence along said centerline of Lakeside Avenue North 55°29' 58" East 253.72 feet to the principal point of beginning;

Thence North 34° 30' 02" West, perpendicular to said centerline of Lakeside Avenue, 49.50 feet to the northerly right-of-way line of said Lakeside Avenue, said point being elevation 639.00 (underground) and the top of the Encroachment, thence descending vertically 20 feet to elevation 619.00 to the bottom of the Encroachment;

Thence along the northerly line of said Lakeside Avenue North 55°29' 58" East 40.00 feet, said point being elevation 639.00 (underground) and the top of the Encroachment, thence descending vertically 20 feet to elevation 619.00 to the bottom of the Encroachment;

Thence South 34° 30' 02" East, perpendicular to said centerline of Lakeside Avenue, 99.00 feet to the southerly right-of-way line of said Lakeside Avenue, said point being elevation 642.00 (underground) and the top of the Encroachment, thence descending vertically 20 feet to elevation 622.00 to the bottom of the Encroachment;

Thence along the southerly line of said Lakeside Avenue South 55°29' 58" West 40.00 feet, said point being elevation 642.00 (underground) and the top of the Encroachment, thence descending vertically 20 feet to elevation 622.00 to the bottom of the Encroachment;

Thence North 34° 30' 02" West, perpendicular to said centerline of Lakeside Avenue,

49.50 feet to the principal point of beginning, and containing 3,960 Sq. Ft. of land.

This description prepared by R.E. Warner & Associates, Inc., Christopher J. Tomko, Ohio Professional Land Surveyor No. 8243, January, 2016. The basis of bearings is the centerline of Lakeside Avenue as determined by found monument boxes as shown on Exhibit-A. Benchmark is the southwest corner of M.E.L.P. Manhole located approximately 262 feet east from the centerline of Ontario Street and 38 feet north of the centerline of Lakeside Avenue N.E. Elevation 646.16 NAVD 88.

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

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

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

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

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

Passed May 16, 2016.
Effective May 18, 2016.

**Ord. No. 296-16.
By Council Members Cimperman, K. Johnson, Brancatelli and Kelley (by departmental request).**

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

Whereas, under Resolution No. 1031-14, adopted October 27, 2014, this Council declared its intention to vacate a portion of West 21st Street (12.00 feet wide) and a portion of Moore Avenue N.W. (66.00 feet wide); and

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

Whereas, on February 9, 2016, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland subject to both interested parties entering into an agreement on or before January 31, 2016; and

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

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

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

Section 1. That this Council declares that the following described real property is vacated:

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

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

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

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

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

Section 2. That there is reserved to the City of Cleveland, an easement of full width as described above for AT&T, Cleveland Public Power, Dominion East Ohio Gas Company, and The Illuminating Company.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by AT&T, Cleveland Public Power, Dominion East Ohio Gas Company, The Illuminating Company, and the City of Cleveland.

Section 3. Provided that all required approvals have been obtained includ-

ing an agreement between both interested parties on or before January 31, 2016, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

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

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

Passed May 16, 2016.

Effective May 18, 2016.

Ord. No. 297-16.
By Council Members K. Johnson and Brancatelli (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Schofield Properties, LLC to encroach into the public right-of-way of East 9th Street by installing, using, and maintaining an underground vault.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Schofield Properties, LLC, 2000 East 9th Street, Cleveland Ohio 44114 ("Permittee"), to encroach into the public right-of-way beneath East 9th Street by installing, using, and maintaining an underground vault, at the following location:

Vault Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being further bounded and described as follows:

Commencing at an iron pin monument found at the centerline intersection of Euclid Avenue, (99 feet wide), and East 9th Street, (99 feet wide); thence along said centerline of East 9th Street, South 34°17'14" East, for a distance of 60.45 feet to a point therein;

Thence South 55°42'46" West, for a distance of 41.50 feet to a point 8.00 feet northeasterly from the southwesterly line of said East 9th Street, said point also being the TRUE POINT OF BEGINNING;

Thence clockwise along the following eight (8) courses and distances;

1. Thence along a line 8.00 feet northeasterly from and parallel to said southwesterly line of East 9th Street, South 34°17'14" East, for a distance of 118.30 feet to a point;

2. Thence North 55°42'46" East, for a distance of 12.00 feet to a point 20.00

feet northeasterly from said southwesterly line of East 9th Street;

3. Thence along a line 20.00 feet northeasterly from and parallel to said southwesterly line of East 9th Street, South 34°17'14" East, for a distance of 10.00 feet to a point;

4. Thence South 55°42'46" West, for a distance of 12.00 feet to a point 8.00 feet northeasterly from said southwesterly line of East 9th Street;

5. Thence along a line 8.00 feet northeasterly from and parallel to said southwesterly line of East 9th Street, South 34°17'14" East, for a distance of 17.75 feet to a point;

6. Thence South 55°42'46" West, for a distance of 8.00 feet to a point on the southeasterly extension of said southwesterly line of East 9th Street;

7. Thence along said southwesterly line of East 9th Street, and it's southeasterly extension, North 34°17'14" West, for a distance of 146.05 feet to a point therein;

8. Thence North 55°42'46" East, for a distance of 8.00 feet to the TRUE POINT OF BEGINNING, containing 0.0296 acres (1,288 sq. ft.) of land, more or less, and subject to all easements, restrictions and covenants of record, as surveyed under the supervision of Steve Mullaney, PS 7900, for Glaus, Pyle, Schomer, Burns and DeHaven, Inc., dba GPD Group, in January of 2016.

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

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

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

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

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

Passed May 16, 2016.

Effective May 18, 2016.

Ord. No. 409-16.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit and authorizing the Director of Public Works to issue a license to The Rock and Roll Hall of Fame and Museum, Inc. to encroach into the public right-of-way of Euclid Avenue and on two City-owned parcels by installing, using, and maintaining five "Rock Boxes" and accompanying electrical duct banks.

Whereas, The Rock and Roll Hall of Fame and Museum and Destination Cleveland are planning to create, maintain and program a rock-themed sculpture and sound installation along the downtown business spine of East 9th Street; and

Whereas, the entire installation will consist of stacks of 2-foot-square loudspeakers set in eight locations along East 9th Street from Progressive Field to Willard Park of which one location is in the public right-of-way and two are on City-owned land; and

Whereas, each stack of speakers is called a "Rock Box"; and

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to The Rock and Roll Hall of Fame and Museum, Inc., 751 Erieside Avenue, Cleveland, Ohio 44114 ("Permittee"), to encroach into the public right-of-way of Euclid Avenue within the Central Business District by installing, using, and maintaining one Rock Box and accompanying electrical duct banks at the following location:

Site	Location
#9	Euclid Avenue just East of East 9th Street at RTA Station, Euclid Avenue right-of-way 1 Rock Box (6-driver unit)

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

Section 2. That, notwithstanding Section 183.16 and any other provision of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to issue a license which shall renew from year-to-year, subject to termination at any time by the Director, to the Permittee as a licensee, to enter upon two City-owned parcels within the Central Business District to install, use, and maintain Rock Boxes and accompanying electrical duct banks at the following locations:

Site	Location	Parcel	Owner
#5	East 9th Street & Rockwell Avenue - Southwest corner, 1 Rock Box (3-driver unit) and 1 Rock Box (6-driver unit)	101-05-013	City of Cleveland
Site	Location	Parcel	Owner
#7	East 9th Street & Shoreway Ramp by RTA Station, 1 Rock Box (4-driver unit) and 1 Rock Box (5-driver unit)	101-03-009	City of Cleveland

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

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

Section 4. That Permittee may assign the permit or the license only with the prior written consent of the Director of Capital Projects or the Director of Public Works, as applicable. That the encroaching structure(s) permitted and entry upon City property licensed under this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s) and structures on City property.

Section 5. That the permit and license shall reserve to the City reasonable right of entry to the locations, encroachments into, and entered upon and shall require that Permittee remove encroachments the structures and restore the property to its original condition if the permit or license is revoked.

Section 6. 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 May 16, 2016.

Effective May 18, 2016.

Ord. No. 498-16.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Public Works to enter into one or more contracts with various agencies to implement the Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 42, from the United States Government; 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 Community Development Block Grant funds in the amount of \$1,166,908 from Fund No. 14 SF 042, RQS 8006, RL 2016-0027, are appropriated for costs of the Department of Public Works incurred from Fund 19 following the appropriate federal regulations and associated with conducting the Project Clean Program in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Public Works is authorized to enter into one or more contracts with various non-profit and for-profit agencies to provide services necessary to implement the Project Clean Program.

Section 3. That prior to expending funds under this ordinance, the Director of Public Works and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

Passed May 16, 2016.

Effective May 18, 2016.

Ord. No. 499-16.

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

An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 42 from the United States Government; 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 Community Development Block Grant funds in the amount of \$419,000, from Fund No. 14 SF 042, RQS 8006, RL 2016-0029, are appropriated for the Department of Building and Housing for the reimbursement of administrative expenses of the Code Enforcement Program following the appropriate federal regulations, in conjunction with the Community Development Block Grant Program.

Section 2. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a written agreement for this program.

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 May 16, 2016.

Effective May 18, 2016.

Ord. No. 500-16.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition Program and emergency contracts under the Board-up Program; authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs; and authorizing the purchase by one or more requirement contracts for the items of labor and materials necessary to implement the Board-up Program.

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 Community Development Block Grant funds in the amount of \$950,000 from Fund No. 14 SF 042, RQS 8006, RL 2016-0026, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 19 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to implement the Demolition Program and emergency contracts under the Board-up Program.

Section 3. That the Director of Building and Housing is authorized to make one or more written requirement contracts under the Charter and

the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period for the items of labor and materials necessary to implement the Board-up Program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Building and Housing. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Building and Housing is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Building and Housing by comparing the bids received for both terms.

Section 4. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 5. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a written agreement for this program.

Section 6. That the Director of Building and Housing is authorized to accept monies in repayment under the program and to utilize CDBG program income and any prior years balances for making additional expenditures under this program, and the funds are appropriated for that purpose.

Section 7. That the Director of Building and Housing is authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

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

Passed May 16, 2016.

Effective May 18, 2016.

Ord. No. 501-16.

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

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1451-14, passed December 8,

2014, as amended by Ordinance No. 1444-15, passed December 7, 2015, relating to an EDI Empowerment Zone Grant to The Beauty Shoppe.

Whereas, under Ordinance No. 1451-14, passed December 8, 2014, as amended by Ordinance No. 1444-15, passed December 7, 2015, this Council authorized an Economic Development Initiative grant to the Beauty Shoppe LLC, or its designee, to partially finance a portion of the acquisition and tenant build-out of the Beauty Shoppe; and

Whereas, under Ordinance No. 1445-15, passed December 7, 2015, this Council authorized the Director of Economic Development to enter into a Vacant Property Initiative Loan with the Beauty Shop, LLC, or its designee, to partially finance the acquisition and/or tenant build-out of the Beauty Shoppe to be located at 6815 Euclid Avenue; and

Whereas, The Department of Economic Development has secured HUD approval to transfer the Beauty Shoppe EDI grant to a new location at 6815 Euclid Avenue, due to another development project in the area, for tenant build-out; 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 title and Sections 1 and 2 of Ordinance No. 1451-14, passed December 8, 2014, as amended by Ordinance No. 1444-15, passed December 7, 2015, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the United States Department of Housing and Urban Development Economic Development Initiative Empowerment Zone Program, to partially finance a portion of the tenant build-out of The Beauty Shoppe, to be located at 6815 Euclid Avenue; and authorizing the Director to enter into one or more contracts with The Beauty Shoppe, LLC, or its designee, to implement the project.

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in an amount up to \$600,000, from the United States Department of Housing and Urban Development Economic Development Initiative ("EDI") Empowerment Zone Program, to partially finance a portion of the tenant build-out of The Beauty Shoppe, to be located at 6815 Euclid Avenue, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. **1451-14-D**, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 1451-14, passed December 8, 2014, as amended by Ordinance No. 1444-15,

passed December 7, 2015, 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 May 16, 2016.

Effective May 18, 2016.

Ord. No. 502-16.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement or agreements with Green City Growers, LLC, or its designee, to restructure their debt payment structure.

Whereas, in 2011, the Director of Economic Development entered into agreements with Green City Growers to provide a HUD 108 loan and a BEDI grant to support the Green City Growers project in the City; and

Whereas, the project was initially funded through an extremely complicated structure, which included New Market Tax Credits, in addition to the above funding; and

Whereas, Green City Growers has faced several challenges in the start-up phase of the project and has requested a restructure of the debt payment in order to better stabilize the project through the seven-year New Market Tax Credits compliance period; and

Whereas, this Council agrees that the Green City Growers project is an essential project which provides job and wealth creation opportunities for neighborhood residents; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement or agreements with Green City Growers, LLC, or its designee, to provide for the use of the project's accrued interest and debt reserve to fund the payment of project debt service through the project funding structure. The Summary is placed in File No. 502-16-A.

Section 2. That the agreement authorized in this ordinance shall be prepared by the Director of Law.

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 May 16, 2016.

Effective May 18, 2016.

Ord. No. 539-16.

By Council Member Kelley by departmental request).

An emergency ordinance to amend Section 457.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as

enacted by Ordinance No. 522-08, passed June 9, 2008, relating to bicycle parking.

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 457.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 522-08, passed June 9, 2008, is amended to read as follows:

Section 457.10 Bicycle Parking

As a condition of the issuance or renewal of an annual license, all parking lots and garages subject to the provisions of this chapter shall provide spaces for bicycle parking in accordance with the following regulations.

(a) *Purpose.* The requirements for bicycle parking are established for the purpose of ensuring adequate and safe facilities to accommodate bicycle parking and to encourage use of bicycles for travel as an alternative to use of motorized vehicles.

(b) *Time of Compliance.* For applicable parking lots and garages that were licensed prior to the initial effective date of this section, required bicycle parking spaces shall be provided no later than two (2) years after the initial effective date of this section. For other applicable parking lots and garages, required bicycle parking spaces shall be provided prior to the issuance of a license.

(c) *Number of Bicycle Parking Spaces.* Bicycle parking spaces shall be provided at a rate of one (1) bicycle parking space for each twenty (20) automobile spaces provided. However, no automobile parking lot or garage shall be required to provide more than twenty-four (24) bicycle parking spaces.

(d) *Substitution for Automobile Spaces.* The total number of automobile off-street parking spaces required under the Zoning Code shall be reduced at the ratio of one (1) automobile off-street parking space for each six (6) bicycle spaces provided. The total number of required automobile off-street parking spaces, however, shall not be reduced by more than five percent (5%) for any parking lot or garage.

(e) *Bicycle Parking Space Size.* Required bicycle parking spaces for nonresidential uses must have minimum dimensions of two (2) feet in width by six (6) feet in length.

(f) *Bicycle Parking Space Location.* Required bicycle parking spaces shall be located at least as close to the entrance of the building as the nearest non-handicapped automobile parking space. Where automobile parking is provided in an enclosed area, bicycle parking shall be provided within the enclosure or in such a way as to provide comparable protection from the elements.

(g) *Bicycle Racks and Lockers.* Each required bicycle parking space shall be equipped with a bicycle rack or "bicycle locker," as defined in this section.

(1) *Design.* Bicycle racks and lockers must be securely anchored to the ground or a building. Bicycle racks must provide a stable frame to which the bicycle may be conveniently secured, such as the inverted-U, post and loop, or another type of rack that meets these standards. Bicycle racks

that support the wheel but not the frame of the bike may not be used to fulfill a bicycle parking requirement. In parking lots and parking garages, physical barriers, such as posts or bollards, shall be provided so as to prevent a motor vehicle from striking a parked bicycle.

(2) *Residential Uses.* Neither bicycle racks nor bicycle lockers are required for bicycle parking associated with residential uses. Required bicycle parking for residential uses may be provided in garages, storage rooms, or any other resident-accessible, secure areas.

(h) *Bike Locker.* As used in this section, "bike locker" means a locker or storage space large enough to house a single bicycle and which may be secured and accessed by a single user.

(i) *Alternate Locations and Number of Spaces.* For public parking garages and parking lots legally established prior to June 9, 2008, the Director of the City Planning Commission may approve locations other than the garage or lot for the required bicycle parking spaces or less than the required number of bicycle parking spaces if the Director determines that, under the following circumstances, alternate locations or number of bicycle parking spaces would better meet the stated purpose of this Section:

(1) A single entity controls multiple parking garages or parking lots that serve the same business or use;

(2) The aggregate number of bicycle parking spaces for the multiple parking garages or parking lots that serve the same business or use will meet or exceed the bicycle parking requirements under this Section;

(3) A location on another property or in the public right-of-way represents the only feasible means to meet the requirement for bicycle parking spaces. A location in the public right-of-way shall be permitted only if such location meets all requirements for issuance of an Encroachment Permit.

Section 2. That Section 457.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 522-08, passed June 9, 2008, 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 May 16, 2016.

Effective May 18, 2016.

Ord. No. 542-16.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the United States Department of Justice for the Community Court Program; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$200,000, and any other funds that may become available during the grant term from the United States Department of Justice to conduct the Community Court Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the legislative summary for the grant contained in the file described below.

Section 2. That the legislative summary for the grant, File No. 542-16-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with or make payments to various agencies, entities, or individuals, including but not limited to, Toward Employment, Moore Counseling and Mediation Services, and John Carroll University, to implement the grant as described in the file.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed May 16, 2016.

Effective May 18, 2016.

Ord. No. 544-16.
By Council Member Kelley (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Service Employee International Union, Local 1.

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 division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Service Employee International Union, Local 1, under the terms contained in File No. 544-16-A, for the period from April 1, 2016 through March 31, 2019, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase
0%	April 1, 2016
1%	April 1, 2017
2%	April 1, 2018

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 May 16, 2016.

Effective May 18, 2016.

Ord. No. 551-16.
By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of scanning and data entry services, associated software, software licenses, installation, and maintenance, for the Division of Taxation, Department of Finance, for a period of one year, with four one-year options to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one-year period, with four one-year options to renew, exercisable by the Director of Finance, of the necessary items of scanning and data entry services, associated software, software licenses, installation, and maintenance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Taxation, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1507, RL 2016-11)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take

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

Passed May 16, 2016.

Effective May 18, 2016.

Ord. No. 573-16.
By Council Members McCormack, Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into one or more agreements with Flats East Development, or their designees, to change the terms of the loans for the Flats East development.

Whereas, under Ordinance No. 1892-05, passed February 13, 2006, as amended by Ordinance No. 1757-09, passed December 7, 2009, and Ordinance No. 1381-09, passed October 5, 2009, and Ordinance No. 653-13, passed May 20, 2013, this Council authorized the Director of Economic Development (the "Director") to enter into contract with Flats East Development, LLC, to provide financial assistance in the form of one or more Core City loans to partially finance the acquisition of land for retail, multi-family rental housing and/or parking facilities at the project site ("Core City loans"); and

Whereas, under Ordinance No. 1740-08, passed December 1, 2008, as amended by Ordinance No. 1382-09, passed October 5, 2009, and Ordinance No. 652-13, passed May 20, 2013, this Council authorized the Director to enter into contract with Flats East Development, LLC, to provide financial assistance in the form of one or more various types of loans and forgivable loans under the Vacant Property Initiative to provide financial assistance to partially finance the project costs to remove newly discovered contaminants and other associated costs ("Initial VPI Loan"); and

Whereas, under Ordinance No. 1383-09, passed October 5, 2009, as amended by Ordinance No. 716-10, passed June 7, 2010, and Ordinance No. 651-13, passed May 20, 2013, this Council authorized the Director to enter into contract with Flats East Development, LLC, to provide financial assistance in the form of a HUD 108 loan to provide financial assistance to partially finance the Flats East development located at the mouth of the Cuyahoga River on Lake Erie and other associated costs ("HUD 108 loan"); and

Whereas, under Ordinance No. 872-13, passed July 10, 2013, this Council authorized the Director to enter into several contracts with Flats East Development, LLC, to provide forgivable loans under the Vacant Property Initiative to partially finance the build-out for the interior spaces for up to six businesses located on the East Bank of the Flats and other associated costs ("Phase II VPI Loans"); and

Whereas, a modification of the existing loans are necessary in order to assist Flats East Development LLC, with continuing the Flats East Bank project; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into one or more agreements with Flats East Development, LLC, or their designees, to modify the Core City Loans, authorized by Ordinance No. 1892-05, passed February 13, 2006, as amended, the Initial VPI Loan, as authorized by Ordinance No. 1740-08, passed December 1, 2008, as amended, the HUD 108 Loan, as authorized by Ordinance No. 1383-09, passed October 5, 2009, as amended, and the Phase II VPI Loans, as authorized by Ordinance No. 872-13, to change certain terms of the loans. The agreement or agreements shall include, but not be limited to the following:

a. Authorize the use of the HUD Debt Reserve, in excess of the maximum estimated annual payment due, for the payment of principal and interest on the HUD 108 Debt, in the event that the parking revenues and service payments are insufficient to cover debt service.

b. Authorize the use of interest earnings on the HUD 108 Debt for the payment of principal and interest on the HUD 108 Debt, in the event that the parking revenues and service payments are insufficient to cover debt service.

c. Modify the interest rate on the HUD 108 Debt to a 90-day LIBOR plus 0.55%.

d. Release certain collateral securing the HUD 108 Debt, Core Cities Loans, the Initial VPI Loan, and the Phase II VPI Loans.

e. Accept a prepayment of the Core Cities Loans and the initial VPI Loan, in the amount of \$2,251,283, to be deposited in Fund No. 17 SF 006, 10 SF 542, and 10 SF 553.

f. Other terms and conditions necessary to protect the City's interest.

Section 2. That the Agreement shall be prepared by the Director of Law.

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 May 16, 2016.
Effective May 18, 2016.

Ord. No. 574-16.
By Council Members McCormack, Brancatelli and Kelley (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 114-16, passed February 8, 2016, relating to a Vacant Property Initiative Loan with w25d commercial, LLC, or its designee, to change the terms of the loan regarding the development of the North Building and the redevelopment of South Building as part of the West 25th and Detroit Project.

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 3 of Ordinance No. 114-16, passed February 8, 2016, is amended to read as follows:

Section 3. That the terms of the loans shall be according to the terms set forth in the Summary contained in File No. 114-16-B, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 2. That existing Section 3 of Ordinance No. 114-16, passed February 8, 2016, 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 May 16, 2016.
Effective May 18, 2016.

Ord. No. 585-16.
By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to amend Agreement No. CT0101 - PS2015 - 213 with thunder:tech for professional services to add additional website monitoring and security services to the existing scope of services, and additional payment terms.

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 Clerk of Council is authorized to amend Agreement No. CT0101 - PS2016 - 213 with thunder:tech for professional services to add additional website monitoring and security services to the existing scope of services, and additional payment terms.

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

Passed May 16, 2016.
Effective May 18, 2016.

REPRINT

Ord. No. 364-16.

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

An emergency ordinance to repeal Section 348.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1536-14, passed January 26, 2015, relating to the Urban Form Overlay District; and to supplement the codified ordinances by enacting new Sections 348.01 through 348.05, relating to Urban Form Overlay Districts and Urban Core Overlay Districts.

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 348.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1536-14, passed January 26, 2015, is repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 348.01 through 348.05 to read as follows:

CHAPTER 348 FORM DISTRICTS

Section 348.01 Definitions

As used in this chapter, the following terms shall be defined as stated below:

(a) "Active uses" are those uses that generate customer or visitor traffic such as retail, restaurants, personal services, offices, residential uses, and building lobbies. Uses that are not considered active uses include but are not limited to, non-habitable spaces, hallways, storage, mechanical, utility spaces, trash rooms or areas, loading docks, parking, or similar.

(b) "Balcony" means an exterior space or platform that projects from the wall of a building and includes a railing or balustrade.

(c) "Block" means the aggregate of private lots, pedestrian passages, and alleys circumscribed by street right of ways (ROWS).

(d) "Block length" means the distance between the intersection of two street ROWs, measured at the street line.

(e) "Frontage build-out" means the portion of the principal and secondary street frontage containing a building.

(f) "Human-scaled materials" are defined as 12" maximum width in either the vertical or the horizontal dimension. The other dimension is unlimited. Examples include brick, stone, wood, fiber-cement lap siding, terra cotta, or similar materials.

(g) "Liner building" means a building that is placed between a street line and off-street parking in order to screen the parking from the public ROW.

(h) "Open sales lot" means open land that is used or occupied for the purpose of buying, selling, or storing prior to sale passenger cars, trucks, motor scooters, motorcycles, boats, trailers, recreational vehicles, manufactured homes, cemetery monuments, nursery plants or supplies, or other merchandise.

(i) "Plaza" means an open space available to the public for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Plazas are often located at the intersection of important streets. Plazas generally range from 1/8 acre to 2 acres in size.

(j) "Secondary street frontage" means that on corner lots, all street lines that are not the principal frontage are considered secondary street frontages; also known as the side street frontage.

(k) "Square" is an open space available to the public for unstructured recreation and civic purposes. A square shall be spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares are generally located at the intersection of important streets. Squares may range from 1 acre to 5 acres in size.

(l) "Stoop" means an entrance wherein the facade of the main building is aligned close to the urban frontage line with the first-story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

(m) "Streetscreen" means a freestanding wall built along the street line, in the front or sideyard setback, or coplanar with the main building facade. Where permissible, it may mask a parking lot from the ROW, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

(n) "Street line" means the lot line dividing the lot from a street, under Chapter 325 of this Code.

(o) "Urban frontage line" means that side or sides of a public street frontage that is specifically designated on the Zoning Map.

(p) "Urban street space" means that portion of a building or property located at or closest to the level of the public sidewalk and within forty (40) feet of an urban frontage line.

Section 348.02 Frontage Features

One of the following features shall be required on principal street frontages:

Porch
Terrace or lightwell
Forecourt
Stoop; 12 sq. ft. min.
Shopfront
Gallery; 8 ft. min. depth
Arcade; 8 ft. min. depth

Figure F (1) Required Frontage Features

a. Common Yard: A planted Frontage wherein the building façade is set back substantially from the right of way line. The front yard created may remain unfenced and be visually continuous with adjacent yards. This frontage is found where deep front yards are consistent with the surrounding context. The deep front yard setback can provide a buffer from higher speed thoroughfares.

b. Porch & Fence: A planted Frontage wherein the building façade is set back from the front yard line, with an attached porch as a permitted yard encroachment. A fence at the right of way line maintains the spatial definition of the street and provides delineation between public and private space.

c. Terrace or Lightwell: A Frontage wherein the building façade is set back from the right of way line, with an elevated terrace or a sunken lightwell. This frontage feature buffers residential uses from urban sidewalks. Synonym: Dooryard.

d. Forecourt: A Frontage wherein a portion of the building façade is set back from the right of way line, and the rest of the facade is set close to or at the right of way line. This frontage feature is often used in apartment buildings. This frontage feature is usually used in conjunction with other frontage features.

e. Stoop: A Frontage wherein the building façade is close to the right of way line. An exterior stair and landing provide access to the main building entrance. The First Story is elevated from the sidewalk level sufficiently to ensure privacy for First Story windows. This frontage feature is recommended for First Story residential uses. The Stoop is a permitted yard encroachment.

f. Shopfront: A Frontage wherein the building façade is close to the right of way line, and the building entrance is at sidewalk grade. This frontage is typical of Retail uses. This frontage feature has substantial glazing at the sidewalk level. This frontage may have an awning. Where permitted, the awning may encroach over the sidewalk.

g. Gallery: A Frontage wherein the façade is close to or at the right of way line, with an attached roof or lightweight colonnade overlapping the sidewalk. This frontage is typical of Retail uses. Where encroachment of the Gallery over the public right of way is permitted, the Gallery shall extend to within 2 feet of the curb.

h. Arcade: A Frontage wherein the façade at sidewalk level is close to or at the right of way line, with a colonnade supporting habitable space above the sidewalk. This frontage is typical of Retail uses. Where encroachment of the Arcade over the public right of way is permitted, the Arcade shall extend to within 2 feet of the curb.



Section 348.03 Applicability

In a district created under this chapter, the regulations of the underlying zoning district shall govern except where in conflict with the regulations of the applicable district created under this chapter, in which case the regulations of the applicable district created under this chapter shall govern.

Section 348.04 Urban Form Overlay (UF) District

(a) *Purpose.* The Urban Form Overlay (UF) District is established to foster a high level of walkability and design quality for Cleveland's urban streets. The UF will do this by requiring pedestrian-oriented building features, preserving and enhancing the architectural character of new and existing buildings and protecting public safety by minimizing conflicts between vehicles and pedestrians.

(b) *Mapping.* Areas designated as UF Districts are planned to be densely developed areas characterized by a preponderance of buildings set relatively close to the street with parking located behind the main building. In every UF District, any street frontage to be considered an "Urban Frontage Line," as defined in this section, shall be marked on the Zoning Map, with either one or both sides of a street designated as such.

(c) *Use Regulations.* All uses permitted in the underlying zoning district shall be permitted in the UF District, except that the following uses shall be regulated as follows:

- (1) Open sales lots are prohibited;
 - (2) Gas station pump islands are prohibited within the urban street space;
 - (3) Any business served by a drive-thru shall have all points of customer interaction located outside of the urban street space; and
 - (4) A parking lot as a main use is prohibited.
- (d) *New Construction and Additions*

(1) Setbacks			
A. Front yard depth; principal street frontage	Single-family, two-family, townhouse:	All other building types:	
	0 ft. min., 10 ft. max.	0ft. min., 8 ft. max.	
B. Front yard depth; secondary street frontage	Single-family, two-family, townhouse:	All other building types:	
	0 ft. min., 6 ft. max.	0 ft. min., 6 ft. max.	
C. Interior side yard depth	0 ft. min.		
D. Rear yard depth	3 ft. min.		
(2) Building Configuration			
A. Frontage build-out; principal street frontage	80% min. of principal street frontage; 20% of this requirement may be met with a streetscreen		
	Streetscreens shall be masonry and min. 3.5’ in height		
B. Frontage build-out, secondary street frontage	100% min. of the urban street space		
C. Active use; first story principal and secondary street frontage	Required on 60% of frontage buildout		
D. Floor area ratio	No max		
E. Entrances	Single-family, two-family, townhouse:	Multi-family residential: from a principal or secondary	All other building types:
	Each first-story unit fronting a principal or secondary street shall provide a main pedestrian entrance to that principal or secondary street frontage;	Required: At least one main pedestrian entrance street frontage:	Required: Each use fronting a principal or secondary street frontage shall provide a main pedestrian entrance to that frontage. Such entrance shall be recessed to prevent doors swinging over the ROW, including patio space in

F. Height of finished first floor above grade	First-story residential: 18 in. min., 5.5 ft. max, building lobby may be at 0 ft.	the ROW, under Section 3109.03. First-story non-residential: 0 ft. min
(3) Building Design Features		
A. First-story glazing, non-residential; principal and secondary street	75% min. of the frontage buildout between 3’ and 8’ above grade (excluding streetscreens) shall be transparent windows and doors	
B. First-story glazing, residential: principal and secondary street	45% min. of the frontage buildout between 3’ and 8’ above grade shall be transparent windows & doors	
C. Architectural articulation required:	Single-family, two-family, townhouse:	All other building types:
Balconies, bays, awnings, sunshades, planter boxes, or similar	Required on 50% min. of facing both the principal and secondary street frontage; balconies, if used, shall be 1 ft. min. depth; balcony railing transparency: 30% min.	Not required
D. Materials; principal and secondary street frontage	First-story: Glass in any dimension is permitted. All other materials shall be human-scaled, except materials used on building bases (up to 3 ft. above grade) may be larger in size. Above first-story: Materials in any dimension are permitted. Prohibited: plain and split-face concrete masonry units, synthetic stucco, vinyl siding	
(4) Parking, Garages & Valet		
A. Required parking	Surface lots: Existing Buildings and Additions:	Garage or structured: New Construction:
	Min: 25% of total required by 349.04, Max: 120% of total required by 349.04	Min: 65% of total required by 349.04, Max: 120% of total required by 349.0
	Garage or structured parking shall have no maximum number of spaces	
	Sub-market rate housing in an existing building or new construction shall have a Min. 25% of total required by 394.04, Max: 120% of total required by 394.04	
(5) Transition Strips and Screening		
A. Secondary street frontage	3 ft. min. deep landscape strip and streetscreen required Streetscreens shall be masonry and a min. 3.5’ in height	
B. Interior Side	Not required	
C. Rear abutting a lies intensive use	6 ft. high screen element, 100% opacity	
D. Screening of structured parking and enclosed parking	Liner building along principal and secondary street frontages required. Height of Liner Building shall be equal to or greater than the height of the parking structure. Frontage build-out of liner building shall be equal to or greater than the width of the structured or enclosed parking it screens, less permitted access openings. Liner building shall meet all the requirements of any Overlay District in which it is located.	

(e) For purposes of this section, "principal street frontage" means the side or sides of a public street frontage that is specifically designated on the Zoning Map or where there is only one street frontage, it is the street line.

(f) Variances

(1) An applicant seeking a variance shall submit a site plan, color elevations, and other drawings as requested or necessary to compare and contrast a code compliant building with the proposed non-compliant building. Such exhibits shall demonstrate, based upon a preponderance of competent, probative evidence as evaluated under the guidelines set forth in division (f)(2) below, that the standard for granting a variance has been met.

(2) To ensure the development of a safe and cohesive district, the Board of Zoning Appeals shall have limited authority to grant variances from the following specific provisions of the UF District requirements.

A. The Board of Zoning Appeals shall have no authority to grant a variance to eliminate the requirement for the first-story of a liner building. Where the Board of Zoning Appeals grants a variance to eliminate the requirement for a liner building above the first-story, all building facades above the first-story shall have architectural treatments that screen the view of parking from the ROW by the use of walls, glazing, decorative screens, durable plantings, or similar materials. Exposed structural spandrels are prohibited.

B. Parking Requirements. The Board may grant a variance above the maximum amount of parking spaces permitted by this section, where the applicant has either shown a good faith effort to first utilize district parking, on-street parking and /or secure shared-use agreements with adjacent property owners or has agreed to make its parking lot available for shared parking with neighboring businesses.

Section 348.05 Urban Core Overlay

(a) *Purpose.* The Urban Core Overlay (UC) District is established to foster the development of dense, vibrant, mixed-use neighborhoods that encourage a quality pedestrian experience. The UC achieves this goal for urban cores by setting forth requirements for consistent street walls, pedestrian-oriented building features, minimizing conflicts between vehicles and pedestrians, and screening of off-street parking and service areas.

(b) *Mapping.* The UC District may be overlaid on any zoning district where authorized by ordinance of Council. Areas designated as UC Districts are planned to be developed in accordance with the purpose set forth herein.

(c) *Use Regulations.* All uses permitted in the underlying zoning district shall be permitted in the UC District, except that the following uses are regulated below:

(1) Open sales lots are prohibited;

(2) Any establishment served by a drive-through lane providing access to windows or other facilities at which food or merchandise can be ordered or picked up, or business can be transacted by a person in a motor vehicle is prohibited when accessed from a principal or secondary street frontage.

(d) *New Construction and Additions*

(1) Block Length

A. Block length	500 ft. max.; No development shall cause a net increase in existing block length.
B. Block perimeter	1400 ft. max.
C. Mid-block pedestrian connection or public alley	Block lengths over 400 ft.

(2) Setbacks

A. Front yard depth; principal street frontage	Single-family, two-family, townhouse: 0 ft. min., 10 ft. max.	All other building types above the ground floor: 80% of frontage build-out: 0 ft. to 3 ft. max., or equivalent ground plane area 20% of frontage build-out: 12 ft. max., or equivalent ground plane area
B. Front yard depth; secondary street frontage	Single-family, two-family, townhouse: 0 ft. min., 6 ft. max.	All other building types above the ground floor: 80% of frontage build-out: 0 ft. to 3 ft. max., or equivalent ground plane area 20% of frontage build-out: 12 ft. max., or equivalent ground plane area
C. Interior side yard depth	0 ft. min.	
D. Rear yard depth	0 ft. min.	

(3) Building Configuration

A. Frontage build-out, principal and secondary street frontage	90% min.; the frontage build-out requirement may be met with a streetscreen, plaza, or square for up to 10% of the street frontage. Streetscreens shall be 3.5' in height min. Streetscreens screening non-active uses shall be 6' in height min. and shall have 50% opacity min.
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B. Active use; first-story	Required on 70% of each of the principal and secondary street frontages		
C. Building height	Minimum building height at actual setback shall be 1/2 the width of the street ROW on which the building fronts. (ex. where a building fronts a 60' right of way ROW, minimum building height shall be 30') <i>Maximum height shall be as regulated by the underlying Height District.</i>		
D. Floor area ratio	No max.		
E. Entrances	Single-family, two-family, townhouse: Each first-story unit fronting a principal or secondary street shall provide a main pedestrian entrance to that principal or secondary street frontage;	Multi-family residential: Required: At least one main pedestrian entrance from a principal or secondary street frontage. to that frontage.	All other building types: Required: Each use fronting a principal or secondary street frontage shall provide a main pedestrian entrance. Such entrance shall be recessed to prevent doors swinging over the ROW, including patio space in the ROW, under Section 3109.03.
F. Height of finished first floor above grade	First-story residential: 18 in. min., 5.5 ft. max, subject to increase of up to 3 ft. to accommodate slope across site. Building lobby may be at 0 ft. 0 ft. min.	First-story non-residential:	
G. First-story height; non-residential, principal and secondary street frontages	11 ft. min. finished floor to finished ceiling		

(4) Building Design Features

A. First-story glazing, non-residential	60% min. of each of the principal and secondary street frontages between 3' and 8' above grade shall be transparent windows & doors		
B. First-story glazing, residential	30% min. of each of the principal and secondary street frontages between 3' and 8' above grade shall be transparent windows & doors		
C. First-story articulation; frontage build-out	One vertical break required at intervals not to exceed 60 ft. (ex. piers, columns, and/or 3" min. change in facade plane)		
D. Architectural articulation required: Balconies, bays, awnings, sunshades, planter boxes, or similar	Single-family, two-family, townhouse: Required on 50% min. of all units facing each of the principal and secondary street frontages; Balconies, if used, shall be 1 ft. min. depth, and railings shall have minimum 30% transparency.	All other building types: Not required.	
E. Materials; principal and secondary street frontage	Single-family, two-family, townhouse: Glass in any dimension is permitted. All other materials shall be human-scaled, except materials used on building bases (up to 4 ft. above grade) may be larger in size. Prohibited: plain and split-face concrete masonry units, synthetic stucco, vinyl siding	All other building types: Prohibited: plain and split-face concrete masonry units, synthetic stucco, vinyl siding	

(5) Parking, Loading & Garages

A. Required parking	None
B. Screening of surface parking, structured parking, and enclosed parking	Liner building or facade along principal and secondary street frontages that does not appear as a parking structure required.

Height of liner building or facade shall be equal to or greater than the height of the parking structure, and no less than required by division (f)(3)C. building height.

Frontage build-out of liner building or facade shall be equal to or greater than the width of the surface parking, structured parking, or enclosed parking it screens, less permitted access openings.

Liner building shall meet all the requirements of any Overlay District in which it is located.

C. Parking access, drives, garages, and service access	Single-family, two-family:	Townhouse:	All other building types:
Where a secondary street frontage or alley abuts the property, no access is permitted on a principal street frontage	10 ft. max. width/lot	Two-way traffic: 18 ft. width max. One-way traffic: 10 ft. width max.; 20 ft. max. aggregate width per frontage	Max. single opening width: 24 ft. Max. opening height for service access: 14 ft. Max. opening height for parking entrance: 10 ft.
		Prohibited: Garage doors facing a principal street frontage	Aggregate width of openings per development phase shall not exceed the number of street frontages of the development phase multiplied by 24 ft.
		Alley: Unlimited	
D. Valet Zones Shall not reduce existing sidewalk width, or shall maintain 8' min. through pedestrian sidewalk zone.			

(e) For purposes of this section, "principal street frontage" means the street line where the principal building entrance and address are located.

(f) The Commission may approve an application under this section with design and dimensional elements that are in accordance with the following standards when the site plans, color elevations, or other drawings demonstrate the proposed building configuration, design, or garage better meet the purpose of the Urban Core Overlay:

A. Frontage build-out should not be less than 60% on each of the principal and secondary street frontages;

B. Active use on the first-story should not be less than 50% on each of the principal and secondary street frontages;

C. First-story non-residential glazing should not be less than 50% on each of the principal and secondary street frontages;

D. Garage doors facing a principal or secondary street frontage for single-family, two-family and townhouse units should be no wider than 10 feet.

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 May 2, 2016.

Effective May 4, 2016.

COUNCIL COMMITTEE MEETINGS

Monday May 23, 2016
9:30 a.m.

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

2:00 p.m.

Finance Committee Present: Kelley, Chair; Cleveland, Vice Chair; Brady,

Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone.

Tuesday May 24, 2016
9:30 a.m.

Development, Planning and Sustainability Committee: Present: Brancatelli, Chair; Cleveland, Vice Chair; Cummins, Dow, McCormack, Pruitt, Zone. *Pro tempore:* Keane.

1:30 p.m.

Utilities Committee Present: Pruitt, Chair; Brady, Vice Chair; Brancatelli,

Keane, Mitchell, Polensek. *Authorized Absence:* Cummins.

Wednesday May 25, 2016
10:00 a.m.

Safety Committee: Present: Zone, Chair; Conwell, Vice Chair; Kazy, Keane, McCormack, Mitchell, Polensek.

1:30 p.m.

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

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