

# The City Record

Official Publication of the Council of the City of Cleveland



July the Twenty-Seventh, 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

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

Ward	Name	Residence	
1	Terrell H. Pruitt	16920 Throckley Avenue	44128
2	Zack Reed	3734 East 149th Street	44120
3	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 Bahhur, Commissioner  
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

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

**OFFICES:**  
 Administration – John Laird, Manager  
 Special Events and Marketing – Tangee Johnson, Manager  
**DIVISIONS:**  
 Motor Vehicle Maintenance – 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 – Randell 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 Vauss.

**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

Vol. 103

WEDNESDAY, JULY 27, 2016

No. 5355

## CITY COUNCIL

MONDAY, JULY 25, 2016

The City Record  
Published weekly by the City Clerk,  
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City of Cleveland  
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Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

**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.

### 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, Con-  
well, Keane, Mitchell, Pruitt, Zone.

#### TUESDAY

9:30 A.M. — **Development, Plan-  
ning 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 Com-  
munity Benefits Committee:** Cleve-  
land (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 Com-  
mittee:** Keane (CHAIR), Dow  
(VICE-CHAIR), Conwell, J. Johnson,  
K. Johnson, Kazy, Reed.

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

The following measure will be on  
its final passage at the next meet-  
ing:

#### Ord. No. 621-16.

By Council Member Kelley (by ini-  
tiative petition).

An emergency ordinance to supple-  
ment the Codified Ordinances of  
Cleveland, Ohio, 1976 by enacting new  
sections 174.01 through 174.06 relating  
to Cleveland Minimum Wage.

### BOARD OF CONTROL

July 20, 2016

The Regular meeting of the Board  
of Control convened in the Mayor's  
office on Wednesday, July 20, 2016  
at 10:37 a.m. with Director Langhen-  
ry presiding.

Present: Director Langhenry, Act-  
ing Director Johnson, Interim Direc-  
tor Szabo, Directors Cox, Gordon,  
McGrath, Acting Director Cosgrove,  
Interim Director West, Directors  
Fumich and O'Leary.

Absent: Mayor Jackson, Directors  
Dumas and Nichols.

Others: Melissa Burrows, Director,  
Office of Equal Opportunity.

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

On motions, the following resolu-  
tions were adopted, except as may  
be otherwise noted.

#### Resolution No. 329-16.

By Director Davis.  
Whereas, under the authority of  
Ordinance No. 2152-02, passed by the  
Cleveland City Council on December  
9, 2002, as amended by Ordinance  
No. 1484-03, passed December 15,

2003, and Ordinance No. 69-04, passed  
January 12, 2004, and Board of Con-  
trol Resolution No. 743-03, adopted  
December 17, 2003, the City of Cleve-  
land, through the Director of  
Finance, entered into an agreement  
with SBC Global Services, Inc., City  
Contract No. 62437, for professional  
services necessary to assess, plan,  
design, and manage the implemen-  
tation of a Data and Voice Infra-  
structure network technology sys-  
tem provided by Logicalis, Inc. for  
the City of Cleveland; now, there-  
fore,

Be it resolved by the Board of  
Control of the City of Cleveland,  
that under Section 181.102(b) of the  
Codified Ordinances of Cleveland,  
Ohio, 1976, Logicalis, Inc. is select-  
ed upon the nomination of the Direc-  
tor of Public Utilities as the firm to  
be employed by contract to provide  
the professional services necessary  
to acquire software licenses and  
upgrades for the Data and Voice  
Infrastructure network technology  
system.

Be it further resolved that under  
the authority of divisions (b) and  
(e) of Section 181.102 of the Codified  
Ordinances of Cleveland, Ohio, 1976,  
the Director of Public Safety is  
authorized to enter into contract  
with Logicalis, Inc., based on its  
proposal dated June 10, 2016, for a  
term of 12 months starting Decem-  
ber 1, 2016, which contract shall pro-  
vide for the furnishing of above-  
mentioned professional services for  
a fee not to exceed \$1,624,625.53.

Yeas: Director Langhenry, Acting  
Director Johnson, Interim Director  
Szabo, Directors Cox, Gordon,  
McGrath, Acting Director Cosgrove,  
Interim Director West, Directors  
Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors  
Dumas and Nichols.

#### Resolution No. 330-16.

By Interim Director Szabo  
Be it resolved by the Board of  
Control of the City of Cleveland that  
the employment of the following  
subcontractors by Architectural  
Graphics, Inc. under City Contract  
No. PI2016\*12 for the public improve-  
ment of the Cleveland Airport Sys-  
tem Signage Program, Phase I for  
the Department of Port Control  
under the authority of Ordinance No.  
363-13, passed by the Council of the  
City of Cleveland on April 29, 2013,  
and Board of Control Resolution No.  
69-16, adopted February 17, 2016, is  
approved.

Subcontractor	CSB/MBE/FBE% Amount
Trafftech	10.37% CSB \$65,340.00

Porvasnik Painting	1.51% FBE \$ 9,500.00
RBA Structural Engineering	Non-certified \$ 2,524.60
Advanced Sign & Lighting	Non-certified \$10,000.00

Be it further resolved that the employment of the following subcontractor by Trafftech, a subcontractor to Architectural Graphics, Inc. under City Contract No. PI2016\*12, is approved.

2nd Tier Subcontractor

	<u>CSB/MBE/FBE%</u>	<u>Amount</u>
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M. Rivera Construction Company	2.48% MBE \$15,600.00
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Be it further resolved that the amount attributed to the following subcontractor approved in Board of Control Resolution No. 69-16, adopted February 17, 2016, is amended as follows:

<u>Subcontractor</u>	<u>CSB/MBE%</u>	<u>Amount</u>
Sign Erectors, Inc.	Non-certified	\$92,248.00

Be it further resolved that all other terms of Resolution No. 69-16 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Director Langhenry, Acting Director Johnson, Interim Director Szabo, Directors Cox, Gordon, McGrath, Acting Director Cosgrove, Interim Director West, Directors Fumich and O'Leary.  
Nays: None.  
Absent: Mayor Jackson, Directors Dumas and Nichols.

**Resolution No. 331-16.**

By Interim Director Szabo  
Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Delta Airport Consultants, Inc., under City Contract No. PS2015\*029 to provide professional services necessary to provide general planning, engineering and design services authorized by Ordinance No. 815-12, passed by the Council of the City of Cleveland on June 4, 2012 and Board of Control Resolution No. 481-14, and Resolution No. 337-15, adopted October 8, 2014 and September 2, 2015, respectively, is approved.

<u>Subcontractor</u>	<u>CSB/MBE/FBE%</u>	<u>Amount</u>
KS Associates, Inc.	0.00%	\$8,750.00

Be it further resolved that the approval of the employment of the following subcontractor by Delta Airport Consultants, Inc., under City Contract No. PS2015\*029 to provide professional services necessary to provide general planning, engineering and design services authorized by Ordinance No. 815-12, passed by the Council of the City of Cleveland on June 4, 2012 and Board of Control Resolution No. 481-14, and Resolution

No. 337-15, adopted October 8, 2014 and September 2, 2015, respectively, is rescinded.

<u>Subcontractor</u>	<u>CSB/MBE/FBE%</u>	<u>Amount</u>
Michael Benza & Associates	5.000%	\$8,750.00

Be it further resolved that all other terms of Resolution No. 481-14, and Resolution No. 337-15, adopted October 8, 2014 and September 2, 2015, respectively, not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Director Langhenry, Acting Director Johnson, Interim Director Szabo, Directors Cox, Gordon, McGrath, Acting Director Cosgrove, Interim Director West, Directors Fumich and O'Leary.  
Nays: None.  
Absent: Mayor Jackson, Directors Dumas and Nichols.

**Resolution No. 332-16.**

By Director Spronz  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1101-15, passed by the Council of the City of Cleveland on November 9, 2015, Osborn Engineering, Inc. is selected upon the nomination of the Director of Capital Projects from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Rehabilitation of Martin Luther King Jr. Drive between Kinsman Avenue and Shaker Boulevard.

Be it further resolved that the Director of Capital Projects is authorized to enter into a written contract with Osborn Engineering, Inc. based on its proposal dated April 29, 2016, provided that the compensation to be paid shall not exceed \$327,714.00. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by Osborn Engineering, Inc. for the above authorized contract is approved:

Euthenics, Inc. (CSB) — \$121,539.00 — (37.09%)
Solar Testing Laboratories (CSB) — \$11,564.00 — (3.53%)

Yeas: Director Langhenry, Acting Director Johnson, Interim Director Szabo, Directors Cox, Gordon, McGrath, Acting Director Cosgrove, Interim Director West, Directors Fumich and O'Leary.  
Nays: None.  
Absent: Mayor Jackson, Directors Dumas and Nichols.

**Resolution No. 333-16.**

By Director Cox  
Whereas, under Board of Control Resolution No. 502-15, adopted

December 16, 2015, under the authority of Ordinance No. 226-15, passed by the Cleveland City Council on April 13, 2015, as amended by Ordinance No. 1351-15, passed December 11, 2015, the Director of Public Works entered into City Contract No. CT7008 PS2016\*007 with Link2Park, Inc., dba Linkology, to replace existing equipment that has exceeded its useful life with updated parking access and revenue control equipment and software providing the latest technology, revenue control and reporting features for both Willard and Gateway Garages for the Division of Parking Facilities, Department of Public Works, for a period not to exceed two (2) years for fees of \$1,046,178.16; and

Whereas, Ordinance No. 540-16, passed May 23, 2016, amended Ordinance No. 226-15, as amended by Ordinance No. 1351-15, to add the West Side Market Parking Lot as a third site for installation of updated parking access and revenue control equipment and software; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 502-15, adopted by this Board December 16, 2015, authorizing the Director of Public Works to enter into a professional service agreement with Link2Park, Inc., dba Linkology, to replace existing equipment that has exceeded its useful life with updated parking access and revenue control equipment and software providing the latest technology, revenue control and reporting features for the Willard and Gateway Garages, is amended by adding the West Side Market Parking Lot as a third site for installation of the updated parking equipment and software, and increasing the fees payable under the agreement by \$332,248.00 to \$1,378,426.16.

Be it further resolved that the Director of Public Works is authorized to enter into a first modification to Contract No. CT7008 PS2016\*007 with Link2Park, Inc., dba Linkology, incorporating into the contract the above-described amendments to Resolution No. 502-15.

Be it further resolved that all other provisions of Resolution No. 502-15 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Director Langhenry, Acting Director Johnson, Interim Director Szabo, Directors Cox, Gordon, McGrath, Acting Director Cosgrove, Interim Director West, Directors Fumich and O'Leary.  
Nays: None.  
Absent: Mayor Jackson, Directors Dumas and Nichols.

**Resolution No. 334-16.**

By Director Rush  
Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 138-04-117 located at 12700 Watterson Avenue; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies,



when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Madge Ellis has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Madge Ellis for the sale and development of Permanent Parcel No. 138-04-117 located at 12700 Watterson Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Director Langhenry, Acting Director Johnson, Interim Director Szabo, Directors Cox, Gordon, McGrath, Acting Director Cosgrove, Interim Director West, Directors Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Nichols.

#### **Resolution No. 335-16.**

By Director Rush

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 115-21-074 located at 794 East 154th Street; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to lease Land Reutilization Program parcels; and

Whereas, CAMHP Foundation has proposed to the City to lease and develop the parcel for a community garden; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has either approved the proposed lease or has not disapproved or requested a hold of the proposed lease within 45 days of notification of it;

2. The proposed lessee of the parcel is neither tax delinquent nor in

violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute a lease for a term of three (3) years, for and on behalf of the City of Cleveland, with CAMHP Foundation for the lease and development of Permanent Parcel No. 115-21-074 located at 794 East 154th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the lease of the parcel shall be a one-time fee of \$3.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Director Langhenry, Acting Director Johnson, Interim Director Szabo, Directors Cox, Gordon, McGrath, Acting Director Cosgrove, Interim Director West, Directors Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Nichols.

#### **Resolution No. 336-16.**

By Directors Cox and McGrath

Whereas, Board of Control Resolution No. 252-16, adopted May 25, 2016, as amended by Board of Control Resolution No. 307-16, adopted June 29, 2016, approved rules and regulations promulgated by the Directors of Public Safety and Public Works for issuance of parade and park use permits, the use of the official speakers platform, and identification of prohibited items and obstruction devices in connection with the 2016 Republican National Convention; and

Whereas, the City desires to amend Resolution No. 252-16, as amended by Resolution No. 307-16, to add to the list of prohibited items in the Event Zone during the Convention Period; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the following provisions of the Temporary Parade and Park Permits, Speakers Platform and Use Regulations, approved by Board of Control Resolution No. 252-16, adopted May 25, 2016, as amended by Board of Control Resolution No. 307-16, adopted June 29, 2016, are further amended to read as follows:

#### **Section III(b)(27)**

(27) Handcuffs, including flexible handcuffs; and

(28) Any other item determined by the Chief or Director to be a clear and present danger to the safety of others.

Be it further resolved that all other terms of Resolution No. 252-16, as amended by Resolution No. 307-16, not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Director Langhenry, Acting Director Johnson, Interim Director Szabo, Directors Cox, Gordon, McGrath, Acting Director Cosgrove, Interim Director West, Directors Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Nichols.

JEFFREY B. MARKS,  
Secretary

## **CIVIL SERVICE NOTICES**

### **General Information**

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

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

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

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

ROBERT BENNETT,  
President

## **SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, AUGUST 8, 2016**

**9:30 A.M.**

**Calendar No. 16-131:** 3510 Fulton Avenue (Ward 14)

3510 Fulton LLC., owner, proposes to construct a "coffee shop" addition to existing convenience store in a C2 General Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.01(d) which states that a specific 8 foot setback must be observed on Fulton Road.

2. Section 357.13 (b) which states that no building, patio/outdoor seating nor canopy are permitted front yard encroachments.

3. Section 327.02(d)(e) which states that details regarding fence and seating are required and no details are shown.

4. Note: the required parking cannot be determined due to omitted seating details. (Filed May 23, 2016)

**Calendar No. 16-152:** 4009 Fulton Court (Ward 3)

Niagara Homes LTD., owner, proposes to establish use as residence and production and sales of furniture, ceramic and metal products, and woodworking in a D3 Local

Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.11(b)(2)(N) which states that office, display, or sales space of a jobbing establishment is first permitted in a General Retail Business District, and only if no more than 25% of the building space is used for making, assembling, finishing, or refinishing the products.

2. Section 347.07 which states that accessory off-street parking spaces must be paved with acceptable surfacing material and drained within the lot.

3. Section 357.09(b)(2)(c) which states that per 357.09(c), an interior side yard equal to eight feet is required and 2 to 3 feet are proposed.

4. Section 357.08(b)(2) which states that per 357.01(c) a rear yard of 20 feet is required and no rear yard is provided.

5. Section 357.015(a) which states that a distance of 40 feet from a main building is required for a rear residential building where 6 to 7 feet are proposed. (Filed June 16, 2016)

**Calendar No. 16-160:** 3551 East 93rd Street (Ward 6)

Charlie D. Rogers, owner, proposes to change of use from carryout to restaurant and bar with entertainment in a C2 Gen Retail District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.12(1) which states that Entertainment use shall be located 500 feet from a Residential District and the proposed location abuts Residential District at the rear.

2. Section 347.12(2) which states that Entertainment use shall be at least 500 feet from another entertainment use.

3. Section 349.04(e) which states that the required number of off-street parking space must equal three times gross floor area, in this case 93 parking spaces are required.

4. Sections 352.08 through 352.10 which state that 10' transition strip is required where the property abuts a Residential District and none are proposed. (Filed June 21, 2016)

**Calendar No. 16-161:** 3847 West 130th Street (Ward 11)

James Atkins, owner, proposes to erect a 35 foot high telecommunications tower 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 354.02(d) which states that "Telecommunications Tower" means a ground-mounted structure that is designed for the sole purpose of supporting a telecommunications antenna.

2. Section 354.02(a) which states that "Telecommunications Antenna" means a device that transmits and/or receives electromagnetic telecommunications signals.

3. Section 354.06(a) which states that a telecommunications tower is not permitted to be located in a Two-Family Residential District.

4. Section 354.06(b) which states that no portion of a telecommunications tower shall be located to a residential district line a distance equal to three times the height of the tower. (Filed June 27, 2016)

**Calendar No. 16-162:** 4720 Brookpark Road (Ward 13)

Bassam Shihada, owner, proposes to establish a parking lot in a B3 General Industry District. The owner appeals for relief from the strict application of Section 349.07(a) which states that driveway and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials where the appellant is proposing crushed stone. (Filed June 27, 2016)

**Calendar No. 16-163:** 14213 Clifford Avenue (Ward 16)

Jeffrey Sommer and Korky Thacker, owners, propose to erect a 16' x 36' - 11" two story frame greatroom addition to existing single family residence located on a lot that is 80' x 120'. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that accessory planters shall be placed on rear half of lot therefore they must be setback 61 feet and the appellant is proposing 25 feet.

2. Section 357.09(2)(B) which states that the minimum required interior side yard is 7' - 3" where the appellant is proposing 3 feet for sunroom and 5 feet for rear deck. (Filed June 28, 2016)

**Calendar No. 16-165:** 2844 West 12th Street (Ward 3)

Martha Fulcher, owner, and Arthur Ganim propose to build a 920 square foot 2nd floor addition to existing 920 square foot single family residence on a 3,600 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of section 357.09(b)(2)(B) of the Cleveland Codified Ordinances which states that in a Two-Family District no interior side yard, shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) 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 mean height is approximately 22' - 6" thus no interior side yard shall be less than 5' - 7 1/2". The side yard dimensions not indicated and are required and the aggregate yard is not indicated and is required. (Filed June 28, 2016)

**REINSTATED FROM  
JUNE 13, 2016**

**Calendar No. 16-059:** 2376 Professor Avenue (Ward 3)

Don Shury, owner proposes to erect a three story retail and two dwelling unit building in a C1 General Retail Business District. The owner appeals for relief from section 357.09(b)(2)(C) of the Cleveland Codified Ordinances which

states that an interior side yard equal to one fourth the height of the building is required where a 1 foot 4 inches side yard is proposed (Filed March 31, 2016 - No Testimony).

This case was dismissed on June 13 due to appellant's absence; reinstatement was granted June 20. First postponement made at the request of the City Planning Commission in order to allow for time for design review.

**POSTPONED FROM JUNE 27, 2016**

**Calendar No. 16-052:** 7114 St. Clair Avenue (Ward 10)

Eishons House, LLC., owner, proposes to change use from store to bar and restaurant with entertainment in a C1 Local Retail Business District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 343.11(b)(2)(A) which states that a bar/restaurant with entertainment is first permitted in a General Retail Business District; proposed location is in a Local Retail Business District. Per Section 347.12 the use must be 500 feet from a residence district.

2. Section 349.04(e) which states that a parking area equal to three times the floor area (5,700) is required and no additional off-street parking is proposed. (Filed March 23, 2016 - Testimony Taken)

Third postponement made at the request of the Board to allow for a community meeting to be held. First and second postponements made at the request of the appellant in order to revise plans.

**REHEARING FROM JULY 25, 2016**

**Calendar No. 16-149:** 927 East 123rd Street (Ward 9)

Paul McPherson, owner, proposes to add carry-out restaurant use to barber shop and beauty salon in a C1 Local Retail Business District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(b) which states that accessory off-street parking spaces shall be provided with bumper guards and none are shown.

2. Sections 352.09 through 352.11 which state that heavy (intensity) landscaping transition strip is required with a minimum of 75% year round opacity and must be; 8' in width.

3. Section 357.13(b) which states that parking in the required side street yard is not a permitted encroachment in Local Retail district.

4. Section 358.05(a)(2) which states that fences in actual front yards and in side street yards shall not exceed four (4) feet in height.

5. Section 357.05(a) which states that a five foot side street yard setback is required and two feet are shown. (Filed June 15, 2016)

Rehearing scheduled due to an omission in the original description.

**POSTPONED FROM JULY 25, 2016**

**Calendar No. 16-157:** 781 Starkweather Avenue (Ward 3)

Akram Boutros, owner, proposes erect a 21' x 26' two story frame single family residence on the front

half of a lot maintaining an existing single family residence on rear half of lot in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that Accessory parking spaces shall be located on rear half of lot; parking in driveway is not permitted

2. Section 349.07(a) which states that the driveway use to provide accessibility to accessory off-street parking spaces shall be arranged to minimize traffic congestion.

3. Section 355.04(b) which states that the minimum lot area allowed is 6,000 square feet and the appellant is proposing 4,200 square feet. Also, the Minimum floor area permitted is 950 square feet and the appellant is proposing 564 square feet.

4. Section 355.05(b) which states that the required existing lot of record size shall not be less than 4,800 square feet proposing 4,200 square feet and shall not be less than 40' in width; the appellant is proposing 30'.

5. Section 357.04(a) which states that the required front yard setback is 9' - 6" where the appellant is proposing 5' and 2' - 6" for a second floor balcony.

6. Section 357.09(2)(A) which states that no building shall be erected less than 10' from main building on an adjoining lot where the appellant is proposing 6'.

7. Section 357.09(b)(2)(B) which states that the required Interior side yard width is 6.27' where the appellant is proposing 0' and 1'. Also, no portion of building shall project over property line per 327.02(e).

8. Section 357.13(b)(4) which states that open balconies shall not be less than 10' from property line where the appellant is proposing 2' - 6." (Filed June 17, 2016-No Testimony)

First postponment made at the request of the appellant; moved to August 8 at the request of the Director of City Planning.

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 25, 2016

At the meeting of the Board of Zoning Appeals on Monday, July 25, 2016 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED**:

**Calendar No. 16-139:** 1932 East 124th Place

Consolo Development, owner, proposes to erect a 61' x 59' three story frame L shaped two family residence in a C1 Multi-Family Residential District.

**Calendar No. 16-148:** 1871 West 47th Street

B.R. Knez proposes to erect a 20' x 45' two story frame single family residence with detached 20' x 20' one story frame detached garage in a B1 Two-Family Residential District.

**Calendar No. 16-153:** 2263 West 30th Street

B.R. Knez, owner, proposes to erect a 20' x 74' two story frame single family residence with attached garage in a B1 Two-Family Residential District.

**Calendar No. 16-154:** 2812 York Avenue

B.R. Knez, owner, proposes to erect a 18' x 52' two story frame single family residence with attached 20' x 20' garage in a B1 Two-Family Residential District.

**Calendar No. 16-155:** 2833 Monroe Avenue

B.R. Knez proposes to erect a 20' x 68' two story frame single family residence with attached garage in a B1 Two-Family Residential District on a City of Cleveland Land Bank parcel.

**Calendar No. 16-156:** 2816 York Avenue

B.R. Knez proposes to erect a 20' x 48' two story frame single family residence with attached 20' x 20' garage in a B1 Two-Family Residential District on a City of Cleveland Land Bank parcel.

The following appeals were **DENIED**:

None.

The following appeal was **WITHDRAWN**:

**Calendar No. 16-041:** 6401 Midtown Commerce Park Drive

Ardent Products Corp., owner, proposes to change use from wholesale floral warehouse to retail and professional service, dine-in restaurant and indoor recreation facility in an MMUD-4 Zoning District.

The following appeals were **DISMISSED**:

None.

The following cases were **POSTPONED**:

**Calendar No. 16-088:** 4ever Social Club

3328 East 55th Street. Postponed to August 22, 2016.

**Calendar No. 16-144:** Edward Kopp

1684 Lorain Avenue. Postponed to August 29, 2016.

**Calendar No. 16-149:** Paul McPherson

927 East 123rd Street. Postponed to August 8, 2016.

**Calendar No. 16-157:** Akram Boutros

781 Starkweather Avenue. Postponed to August 8, 2016.

The following cases were heard by the Board of Zoning Appeals on Monday, July 11, 2016 and the decisions were adopted and approved on Monday, July 25, 2016:

The following appeals were **APPROVED**:

**Calendar No. 16-67:** 1626 East 33rd Street

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.

**Calendar No. 16-87:** 5609 Whittier Avenue

Eleanor B. Rainey Institute, owner, proposes to construct a parking lot in a B1 Two-Family Residential District.

**Calendar No. 16-92:** 4506 Lorain Avenue

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.

**Calendar No. 16-137:** 7104 Clinton Avenue

Scott Francis, owner, proposes to erect 13' x 14' - 7" one story frame kitchen addition to existing single family residence in a B1 Two-Family Residential District.

**Calendar No. 16-138:** 1876 West 47th Street

Michael Camaglia, owner, proposes to construct a 1,810 square foot two story single family house and a 2 car detached garage on a 3,780 square foot lot in a B1 Two-Family Residential District.

**Calendar No. 16-141:** 1458 West 52nd Street

Ryan Edlinger, owner, proposes to erect a 15' x 40' one story frame living room addition to existing single family residence in a B1 Two-Family Residential District.

**Calendar No. 16-142:** 1644 Lorain Avenue

Gloria Gates, owner, proposes to erect 42' x 50' 3 story frame single family residence with attached garage on irregular shaped lot in a B1 Two-Family Residential District.

**Calendar No. 16-143:** 2253 West 14th Street

Grace Center Properties, owner, proposes to build a 7,200 square foot market addition in a D2 General Retail Business District.

**Calendar No. 16-151:** 1346 West 73rd Street

Great Lakes Developers, owner, proposes to erect an 8' - 11" two story frame rear addition to a single family residence in a B1 Two-Family Residential District.

The following case was heard by the Board of Zoning Appeals on Tuesday, July 5, 2016 and the decision was adopted and approved on Monday, July 25, 2016:

The following appeal was **DENIED**:

**Calendar No. 16-125:** Appeal of Bashir Mohamed/Denial of Chauffer's License

Bashir Mohamed, 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 deny application for Chauffer's License.

Secretary



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

NO MEETING

**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 Wednesday, August 10, 2016  
9:00 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 Wednesday, August 10, 2016, at 9:00 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 821-16.**

By Council Member Dow.  
An emergency ordinance designating the 3101 Euclid Avenue Building as a Cleveland Landmark.

**Ord. No. 822-16.**

By Council Member Brancatelli.  
An ordinance changing the Use and Area Districts of parcels north of Fleet Ave, between E. 49th Street and E. 52nd Street to a 'Limited Retail' District, and a 'G' Area District as identified on the attached map (Map Change No. 2540).

Anthony Brancatelli, Chair  
Committee on Development,  
Planning and Sustainability

July 27, 2016 and August 3, 2016

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**Standard Time) on the date specified in the schedule.**

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

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

**FRIDAY, AUGUST 12, 2016**

**File No. 84-16 — HPLC/PDA Detector and Appurtenances**, for the Division of Water, Department of Public Utilities as authorized by Section 129.28 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, JULY 28, 2016 AT 10:00 A.M. LOCATED AT THE CARL B. STOKES UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 2ND FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OH 44114.**

July 20, 2016 and July 27, 2016

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Ord. No. 1446-13.**

**By Council Members Cimperman and Zone.**

**An emergency ordinance to amend Sections 667.01 and 663.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1260-08, passed November 30, 2009, Section 667.99 as amended by Ordinance No. 128-97, passed January 27, 1997, and Section 663.99 as amended by Ordinance No 133-64, passed May 17, 1965, to strengthen the unlawful discriminatory public accommodations practices and unlawful employment practices based on gender identity and expression, and to increase penalties.**

Whereas, the City of Cleveland and employers should allow full access to facilities without qualification to all citizens and employees, including those denied access to bathrooms, showers, locker rooms or dressing facilities consistent with their gender identity or expression; 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 Sections 667.01 and 663.04 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1260-08, passed November 30, 2009, Section 667.99 as amended by Ordinance No. 128-97, passed January 27, 1997, and Section 663.99 as amended by Ordinance No 133-64, passed May 17, 1965, are amended as follows:

**Section 667.01 Unlawful Discriminatory Public Accommodations Practices**

It shall be an unlawful discriminatory practice in a place of public accommodation for any person who is the owner, operator, lessee, manager, administrator, servant, agent or employee of any place of public accommodation:

(a) To refuse, deny, segregate, discriminate or make a distinction, directly or indirectly, in offering its goods, services, facilities or accommodations to any person because of race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group, or Vietnam-era or disabled veteran status of such person;

(b) To refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly in any way, against any person in the full and equal use and enjoyment of the services, facilities, privileges, advantages or enforcement powers of the City, or any unit or office thereof, because of race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group, or Vietnam-era or disabled veteran status of such person;

(c) For any person, whether or not specifically prohibited from discriminating under any provisions of this section, to aid, abet, incite, compel, or coerce the doing of any act declared to be an unlawful discriminatory practice by this section, or to attempt to do so;

(d) To coerce, intimidate, threaten, retaliate against, or otherwise interfere with any person, or attempt to do so, because he or she has promoted the provisions of this section, or because he or she has filed a complaint, testified, or assisted in any proceeding, investigation or hearing authorized by Sections 667.011 through 667.013 or by appropriate state or federal law;

(e) Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes;

(f) Nothing in this section shall prohibit the establishment of programs or other public accommodations designed and operated for a particular age group. However, such public accommodations shall not discriminate on the basis of race, religion, color, sex, sexual orientation, gender identity or



expression, national origin, age, disability, ethnic group, or Vietnam-era or disabled veteran status;

(g) Nothing in this section shall be construed to require the modification of existing facilities or the construction of new or additional facilities.

**Section 663.04 Exemptions from Provisions**

Exemptions from the requirements of this chapter shall be:

(a) Any employer of less than four (4) persons; nor shall members of the immediate family of an employer be included in determining the number of employees;

(b) Any religious organization or institute whose membership or service is limited to persons of a single religious faith;

(c) Any institution organized for educational purposes that is operated, supervised, or controlled by such a religious association, corporation, or society;

(d) Any private organization having a purely social or fraternal purpose;

(e) Any type of employment where religion, religious creed or nationality would usually and normally be considered an essential qualification of employment;

(f) Nothing in this section shall be construed to require the modification of existing facilities or the construction of new or additional facilities.

**Section 667.99 Penalty**

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree.

**Section 663.99 Penalty**

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree.

**Section 2.** That existing Sections 667.01 and 663.04 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1260-08, passed November 30, 2009, Section

667.99 as amended by Ordinance No. 128-97, passed January 27, 1997, and Section 663.99 as amended by Ordinance No 133-64, passed May 17, 1965, 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 June 6, 2016.  
Effective July 22, 2016.

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NO MEETINGS

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

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