

# The City Record

Official Publication of the Council of the City of Cleveland



April the Eleventh Two Thousand and Eighteen

**Frank G. Jackson**  
Mayor

**Kevin J. Kelley**  
President of Council

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

**Ward Name**

- 1 Joseph T. Jones
- 2 Kevin L. Bishop
- 3 Kerry McCormack
- 4 Kenneth L. Johnson, Sr.
- 5 Phyllis E. Cleveland
- 6 Blaine A. Griffin
- 7 Basheer S. Jones
- 8 Michael D. Polensek
- 9 Kevin Conwell
- 10 Anthony T. Hairston
- 11 Dona Brady
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Jasmin Santana
- 15 Matt 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	Joseph T. Jones	4691 East 177th Street	44128
2	Kevin L. Bishop	11729 Miles Avenue, #5	44105
3	Kerry McCormack	1429 West 38th Street	44113
4	Kenneth L. Johnson, Sr.	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44115
6	Blaine A. Griffin	1810 Larchmere Boulevard	44120
7	Basheer S. Jones	1383 East 94th Street	44106
8	Michael D. Polensek	17855 Brian Avenue	44119
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Anthony T. Hairston	423 Arbor Road	44108
11	Dona Brady	1272 West Boulevard	44102
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Jasmin Santana	3535 Marvin Avenue	44109
15	Matt 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

Sharon Dumas, Interim 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  
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
 Matt Gray, 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  
 Duane Deskins, Executive Assistant to the Mayor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults

### 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

### OFFICE OF QUALITY CONTROL AND PERFORMANCE MANAGEMENT – Sabra T. Pierce-Scott, 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, Treasurer, Room 115  
 Financial Reporting and Control – James Gentile, Controller, Room 18  
 Information Technology and Services – Kimberly Roy-Wilson, 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 Zoghail, Commissioner

### DEPT. OF PORT CONTROL – Robert Kennedy, 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 – Kim Johnson, 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 – Merle Gordon, Director, 75 Erieview Plaza

#### DIVISIONS:

Air Quality – David Hearne, Interim Commissioner  
 Environment – Brian Kimball, Commissioner, 75 Erieview Plaza  
 Health – Persis Sosiak, Commissioner, 75 Erieview Plaza

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

#### DIVISIONS:

Animal Control Services – John Baird, Interim Chief Animal Control Officer, 2690 West 7th Street  
 Correction – David Carroll, Interim Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
 Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive  
 Fire – Angelo Calvillo, Chief, 1645 Superior Avenue  
 Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

### DEPT. OF COMMUNITY DEVELOPMENT – Louise Jackson, Interim Director

#### DIVISIONS:

Administrative Services – Joy Anderson, Commissioner  
 Fair Housing and Consumer Affairs Office – John Mahoney, Manager  
 Neighborhood Development – James Greene, Commissioner  
 Neighborhood Services – Louise V. Jackson, Commissioner

### DEPT. OF BUILDING AND HOUSING – Ayonna Blue Donald, Interim Director, Room 500

#### DIVISIONS:

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

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

### DEPT. OF ECONOMIC DEVELOPMENT – David Ebersole, Interim Director, Room 210

### DEPT. OF AGING – Mary McNamara, Director, Room 122

### COMMUNITY RELATIONS BOARD – Room 11, Grady Stevenson, Interim Director,

Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Kevin L. Bishop, 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, Council Member Jasmin Santana, Peter Whitt.

### CIVIL SERVICE COMMISSION – Room 119, Rev. Gregory E. Jordan, President; Michael Flickinger, Vice-President; Barry A. Withers, Interim Secretary; Members: Daniel J. Brennan, India Pierce Lee.

### 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: Henry Bailey, Myrline Barnes, Kelley Britt, 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; Public Utilities Director Robert L. Davis; Council President Kevin J. Kelley.

### CITY PLANNING COMMISSION – Room 501 – Freddy L. Collier, Jr., Director; \_\_\_\_\_, Chair; David H. Bowen, Lillian Kuri, Gloria Jean Pinkney, Council Member Kerry McCormack.

### FAIR HOUSING BOARD – \_\_\_\_\_, Chair; Genesis O. Brown, Daniel Conway, Robert L. Rander.

### HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Lochr, 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.

### CLEVELAND LANDMARKS COMMISSION – Room 519 – Julie Trott, Chair; Giancarlo Calicchia, Vice Chair; Laura M. Bala, Freddy L. Collier, Jr., Allan Dreyer, Robert Strickland, Donald Petit, Secretary, Council Member Basheer S. Jones, Matthew L. Spronz.

### 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 Michelle D. Earley	14-C
Judge Pinkey S. Carr	15-C
Judge Marilyn B. Cassidy	13-A
Judge Emanuella Groves	14-B
Judge Lauren C. Moore	15-A
Judge Michael L. Nelson, Sr.	12-A
Judge Ann Clare Oakar	14-A
Judge Ronald J.H. O’Leary (Housing Court Judge)	13-B
Judge Charles L. Patton, Jr.	13-D
Judge Suzan M. Sweeney	12-C
Judge Jazmin Torres-Lugo	13-C
Judge Shiela Turner McCall	12-B
Judge Joseph J. Zone	14-D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Timothy Lubbe – Housing Court Administrator, Robert J. Furda – Chief Bailiff; Dean Jenkins – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate.

# The City Record

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WEDNESDAY, APRIL 11, 2018

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## CITY COUNCIL

MONDAY, APRIL 9, 2018

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

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2018-2021

#### MONDAY — Alternating

9:30 A.M. — **Health and Human Services Committee:** Griffin (CHAIR), McCormack (VICE-CHAIR), Conwell, B. Jones, Hairston, Santana, Zone.

9:30 A.M. — **Municipal Services and Properties Committee:** K. Johnson (CHAIR), Brady (VICE-CHAIR), Bishop, Brancatelli, Hairston, J. Jones, Kazy.

#### MONDAY

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

#### TUESDAY

9:30 A.M. — **Development, Planning and Sustainability Committee:** Brancatelli (CHAIR), Cleveland (VICE-CHAIR), Bishop, Hairston, B. Jones, Keane, McCormack.

#### TUESDAY — Alternating

1:30 P.M. — **Utilities Committee:** Keane (CHAIR), Kazy (VICE-CHAIR), Bishop, Hairston, McCormack, Polensek, Santana.

1:30 P.M. — **Workforce and Community Benefits Committee:** Conwell (CHAIR), Cleveland (VICE-CHAIR), Brady, Griffin, B. Jones, J. Jones, Kazy.

#### WEDNESDAY — Alternating

10:00 A.M. — **Safety Committee:** Zone (CHAIR), Polensek (VICE-CHAIR), Griffin, Kazy, B. Jones, J. Jones, Santana.

10:00 A.M. — **Transportation Committee:** Cleveland (CHAIR), Keane (VICE-CHAIR), Bishop, Conwell, Johnson, J. Jones, Santana.

### The following Committees meet at the Call of the Chair:

**Mayor's Appointments Committee:** Kazy (CHAIR), Brady, Brancatelli, Cleveland, Kelley.

**Operations Committee:** McCormack (CHAIR), Griffin, Keane, Kelley, Zone.

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
April 9, 2018

The meeting of the Council was called to order at 7:02 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Kevin L. Bishop, Dona Brady, Anthony Brancatelli, Phyllis E. Cleveland, Kevin Conwell, Blaine A. Griffin, Anthony T. Hairston, Kenneth L. Johnson, Basheer S. Jones, Joseph T. Jones, Brian Kazy, Kevin J. Kelley, Martin J. Keane, Kerry McCormack, Michael D. Polensek, Jasmin Santana, and Matt Zone.

Also present were: Mayor Frank G. Jackson, Interim Chief of Staff/Director Sharon Dumas, 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 Matt Gray, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Davis, Kennedy, Spronz, Gordon, McGrath, Cox, Menesse, Donald, West, Ebersole, Collier, McNamara, Burrows and Pierce Scott.

#### MOTION

Council Members, Administration, Staff, and those in the audience rose for a moment of silent reflection, and the Pledge of Allegiance.

#### MOTION

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

### COMMUNICATIONS

#### File No. 411-18.

From Council President Kevin J. Kelley. Recommending that Cleveland City Council appoint Joseph W. Black to the Board of Commissioners of the Cuyahoga Metropolitan Housing Authority (CMHA), with the term ending October 24, 2020. Received. Without objection by Council, the appointment is approved.

#### File No. 412-18.

From Director Michael McGrath, Department of Public Safety, City of Cleveland. Notice of grant acceptance of \$5,000 from the Petco Foundation for the 2017 Holiday Wishes People's Choice Award. Received.

#### File No. 413-18.

From Court Administrator Russell R. Brown, III, Cleveland Municipal Court. Notice of acceptance of a grant of \$6,900 from the Ohio Attorney General/Operation Legal Help for Transportation-related needs facing Veteran Treatment Court defendants. Received.

### FROM OHIO DIVISION OF LIQUOR CONTROL

#### File No. 414-18.

RE: #2796069. Transfer of License Application, C1 C2. FOFO, Inc., 4147 Lee Road (Ward 1). Received.

#### File No. 415-18.

RE: #4820000. Transfer of Ownership Application, D5 D6. JSDD Sunset LLC, 17426 Harvard Avenue (Ward 1). Received.

#### File No. 416-18.

RE: #9277527. Transfer of License Application, D1 D2. Vintage59 LLC, 6001 Euclid Avenue (Ward 7). Received.

#### File No. 417-18.

RE: #7569712. Transfer of License Application, D2 D2X D3. R & T Estate LLC, 17001 Euclid Avenue (Ward 10). Received.

#### File No. 418-18.

RE: #3408575. Temporary License Application, F8. Group Plan Commission, Cleveland Public Square (Ward 3). Received.

#### File No. 431-18.

RE: #4966478. Transfer of Ownership Application, D1 D2 D3 D3A D6. Lady Luck MTS I, Inc., 19309 Nottingham Road (Ward 10). Received.

#### File No. 432-18.

RE: #26312750080. New License Application, C2. Family Dollar Stores of Ohio, Inc., 3407 Payne Avenue (Ward 7). Received.

**File No. 433-18.**  
RE: #7592830. Transfer of Ownership Application, D5 D6. Elizabeth Torres, 9613 Madison Avenue (Ward 15). Received.

**File No. 434-18.**  
RE: #2526841. Economic Development Transfer Application, D5. ENIMSAJ Corp., 1105 Carnegie Avenue (Ward 5). Received.

**File No. 435-18.**  
RE: #9164152. Temporary License Application, F8. University Circle, Inc., Wade Oval (Ward 9). Received.

#### CONDOLENCE RESOLUTIONS

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

- Res. No. 437-18** — Willie Watts, Jr.  
**Res. No. 438-18** — Dove Buster.  
**Res. No. 439-18** — Vena M. Moore Solomon.  
**Res. No. 440-18** — Patrick T. Kilbane.  
**Res. No. 441-18** — Eloise M. Campbell.  
**Res. No. 442-18** — James M. Kennedy.  
**Res. No. 455-18** — Deonte Stevenson.  
**Res. No. 456-18** — Seberty Neldon Richmond.  
**Res. No. 457-18** — Marlette L. Heryak.

#### CONGRATULATIONS RESOLUTIONS

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

- Res. No. 443-18** — Andrew S. Poschner.  
**Res. No. 444-18** — Aidan J. Forrey.  
**Res. No. 445-18** — George M. Smart.  
**Res. No. 446-18** — William & Judy Himes.  
**Res. No. 447-18** — Father Douglas Brown.  
**Res. No. 448-18** — Gary Helscel.  
**Res. No. 449-18** — Roger Mathes.  
**Res. No. 450-18** — Kaitlyn Thomas.  
**Res. No. 451-18** — James Brzozowski.  
**Res. No. 452-18** — Thomas H. Franczyk.

#### APPRECIATION RESOLUTION

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

- Res. No. 458-18** — Evangeline Hardaway.

#### RECOGNITION RESOLUTIONS

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

- Res. No. 453-18** — Tyler Thomas.  
**Res. No. 454-18** — CAIR - 16th Annual Civil Rights Banquet.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 419-18.**  
By Council Members Keane, Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to apply for and accept a Green Infrastructure Grant from the Northeast Ohio Regional Sewer District

and other grants and gifts from various public and private entities for the Albers Avenue parking lot project; determining the method of making the public improvement; and authorizing contracts to construct and design the improvement and other contracts that are necessary to implement the 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 the Director of Capital Projects is authorized to apply for and accept a Green Infrastructure grant in the approximate amount of \$249,583.00, and any other funds that may become available during the grant term from the Northeast Ohio Regional Sewer District for the Albers Avenue parking lot improvement project located on Albers Avenue and also known as Permanent Parcel No. 025-25-031 (the "Improvement"); 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 and map contained in the file described below.

**Section 2.** That the Director of Capital Projects is authorized to apply for and accept other grants and gifts from various public or private entities for the Improvement; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in the file described below.

**Section 3.** That the summary and map for the Improvement, File No. 419-18-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 4.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make 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 5.** That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the 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 6.** 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 7.** 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 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 8.** That, unless expressly prohibited by a grant agreement, under Section 108(B) of the Charter, purchases made under a grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 9.** That the cost of the contracts and other expenditures authorized shall be paid from the fund or funds to which are credited the NEORS Community Cost Share Program funds, from the fund or funds to which are credited the proceeds from any grant or gift received for this purpose; the fund or funds to which are credited the proceeds of the sale of future bonds, if issued for this purpose, and from any funds approved by the Director of Finance.

**Section 10.** 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. 421-18.**  
By Council Members Cleveland and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with Harris Corp. fka Excelsis, Inc. for professional services necessary to provide, maintain, install, and upgrade the noise monitoring equipment and software required for FAA Part 150 adherence, for a period of one year, with three one-year options to renew, the second of which would 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 the Director of Port Control is authorized to enter into one or more contracts with Harris Corp. fka Excelis, Inc. for professional services necessary to provide, maintain, install, and upgrade the noise monitoring equipment and software required for FAA Part 150 adherence on the basis of its proposal dated May 1, 2018, for the Department of Port Control, for a period of one year, with three one-year options to renew. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. The contract or contracts shall be paid from Fund No. 60 SF 001, Request No. RQS 3001,RL 2018-23.

**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 Port Control, Finance, Law; Committees on Transportation, Finance.

**Ord. No. 422-18.**

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

**An emergency ordinance determining the method of making the public improvement of constructing the East 185th Street and Marcella Road, Memphis Avenue, Henninger Road, Almira Avenue, and West 3rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to design the improvement; authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for this purpose; and authorizing the director to apply and pay for permits, licenses, and other authorizations required for the improvement.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the East 185th Street and Marcella Road, Memphis

Avenue, Henninger Road, Almira Avenue, and West 3rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins (the "Improvement"), for the Division of Water Pollution Control, Department of Public Utilities, 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 Public Utilities is authorized to enter into one or more contracts for the making of the 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 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 Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

**Section 5.** That the Director of Public Utilities is authorized to apply for and accept one or more grants from various public or private entities to make the Improvement; including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding or other funding to implement the Improvement, that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the grants.

**Section 6.** That the Director of Public Utilities is authorized to apply for and accept loans to provide funding for the Improvement.

**Section 7.** That the Director of Public Utilities is authorized to enter into any loan agreements with various public entities, including but not limited to, the Ohio Environmental Protection Agency for the Improvement. The agreements shall

contain terms and conditions that are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers and execute all documents necessary to receive the loan funds; and appropriate the loan funds for the purposes described in this ordinance.

**Section 8.** That on execution of any loan agreement, the Director of Public Utilities is authorized to repay the loan funds in accordance with the terms and conditions of the Agreement, from funds approved by the Director of Finance.

**Section 9.** That the Director of Public Utilities is authorized to enter into any agreements necessary to implement this ordinance.

**Section 10.** That the cost of the contracts and other expenditures authorized shall be paid from Fund No. 54 SF 001, 54 SF 400, from the fund or funds to which are credited the proceeds of the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited the NEORS Community Cost Share Program funds, from the fund or funds to which are credited the proceeds from any grant or loan received for this purpose; and from any funds approved by the Director of Finance, Request No. RQS 2003, RLA 2018-6.

**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 Public Utilities, Finance, Law; Committees on Utilities, Finance.

**Ord. No. 423-18.**

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

**An emergency ordinance determining the method of making the public improvement of upgrading electrical services and installing backup power generators at various pump stations; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement authorizing the director to employ one or more professional consultants necessary to design the improvement; authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for this purpose; and authorizing the director to apply and pay for permits, licenses, and other authorizations required for the improvement.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of upgrading electrical services and installing backup power generators

at various pump stations (the "Improvement"), for the Division of Water Pollution Control, Department of Public Utilities, 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 Public Utilities is authorized to enter into one or more contracts for the making of the 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 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 Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

**Section 5.** That the Director of Public Utilities is authorized to apply for and accept one or more grants from various public or private entities to make the Improvement; including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding or other funding to implement the Improvement, that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in this ordinance.

**Section 6.** That the Director of Public Utilities is authorized to apply for and accept loans to provide funding for the Improvement.

**Section 7.** That the Director of Public Utilities is authorized to enter into any loan agreements with various public entities, including but not limited to, the Ohio Environmental Protection Agency for the Improvement. The agreements shall contain terms and conditions that are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers

and execute all documents necessary to receive the loan funds; and appropriate the loan funds for the purposes described in this ordinance.

**Section 8.** That on execution of any loan agreement, the Director of Public Utilities is authorized to repay the loan funds in accordance with the terms and conditions of the Agreement, from funds approved by the Director of Finance.

**Section 9.** That the Director of Public Utilities is authorized to enter into any other agreements necessary to implement this ordinance.

**Section 10.** That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 54 SF 001, 54 SF 400, from the fund or funds to which are credited the proceeds of the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited the NEORSD Community Cost Share Program funds, from the fund or funds to which are credited the proceeds from any grant or loan received for this purpose; and from any funds approved by the Director of Finance, Request No. RQS 2003, RLA 2018-6.

**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 Public Utilities, Finance, Law; Committees on Utilities, Finance.

**Ord. No. 424-18.**

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

**An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA RC 2017-59 with Norris Brothers Co., Inc. to provide rigging services for the various divisions of the Department of Public Utilities.**

Whereas, under the authority of Ordinance No. 328-15, passed April 20, 2015, the Director of Public Utilities entered into Contract No. MA RC 2017-59 with Norris Brothers Co., Inc. to provide rigging services for the various divisions of the Department of Public Utilities; and

Whereas, No. 328-15 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 RC 2017-59 for an additional year with Norris Brothers Co., Inc. for the requirements for an additional year to provide rigging services for the various divisions of the Department of Public Utilities. This ordinance constitutes the additional legislative authority required by Ordinance No. 328-15 to exercise this option. RQN 2004, RL 2018-9)

**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. 425-18.**

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

**An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. CT 2002 PS 2016-71 with One Call Concepts Locating Services, Inc. for utility locating and marking underground infrastructure and related activities, for the Department of Public Utilities.**

Whereas, under the authority of Section 129.294 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities entered into Contract No. CT 2002 PS 2016-71 with One Call Concepts Locating Services, Inc. for utility locating and marking underground infrastructure and related activities, for the Department of Public Utilities; and

Whereas, Section 129.294 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. CT 2002 PS 2016-71 for an additional year with One Call Concepts Locating Services, Inc. to provide for utility locating and marking underground infrastructure and related activities for the Department of Public Utilities. This ordinance constitutes the additional legislative authority required by Section 129.294 to exercise this option. (RQS 2002, RL 2018-16)

**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. 426-18.**

**By Council Member B. Jones. An emergency ordinance designating Crawford Road Christian Church as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Crawford Road Christian Church as a landmark; and

Whereas, the owner of Crawford Road Christian Church has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of Crawford Road Christian Church as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

**Section 1.** That Crawford Road Christian Church whose street address in the City of Cleveland is 1607 Crawford Road N.E., Cuyahoga County Auditor's Permanent Parcel Number is 107-20-004, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 392, and bounded and described as follows:

Beginning on the Southeastery line of Crawford Road N.E. at a point 164 feet Southwesterly measured along said Southeastery line, from its intersection with the Southwesterly line of Rosalind Avenue N.E.;

Thence continuing Southwesterly along said Southeastery line of Crawford Road N.E., 120 feet;

Thence Southeastery along a line at right angles to the said Southeastery line of Crawford Road N.E., 125 feet;

Thence Northeastery along a line parallel with the said Southeastery line of Crawford Road N.E., 120 feet;

Thence Northwesterly, 125 feet to the place of beginning and being further known as Sub Lot Nos. 18, 19 and 20 in The Fulton Building Co.'s Proposed Allotment of part of Original 100 Acre Lot No. 392, be the same more or less, but subject to all legal highways.

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

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

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

Referred to Directors of City Planning Commission, Law; Committee on Development Planning and Sustainability.

#### FIRST READING EMERGENCY RESOLUTION REFERRED

**Res. No. 420-18.**

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

**An emergency resolution declaring the intent to vacate a portion of Rockhurst Avenue N.E.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Rockhurst Avenue N.E., 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 The Sarah Phillips Subdivision of part of original 100 acre lots Numbers 386 and 387, as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records further described as follows:

Being all that portion of Rockhurst Avenue N.E. (12.00 feet wide) extending from the East line of East 108th Street (30.00 feet wide) easterly to the West line of East 110th Street (50.00 feet wide).

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, Finance.

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

**Ord. No. 436-18.**

**By Council Member Conwell.**

**An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to Abundant Life Christian Fellowship to stretch two banners at 509 East 105th Street for the period from April 12, 2018 to May 11, 2018, inclusive, publicizing the Pastors Leadership Conference.**

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 the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to Abundant Life

Christian Fellowship to stretch two banners at 509 East 105th Street for the period from April 12, 2018 to May 11, 2018, inclusive. Said banner shall be approved by the Director of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

#### FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

**Res. No. 427-18.**

**By Council Member Cleveland.**

**An emergency resolution objecting to a New C1 Liquor Permit at 5611 Woodland Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Lunababy, LLC, DBA R Town Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permit Number 5357680; and

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

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

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

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

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

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

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

Be it resolved by the Council of the City of Cleveland

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Lunababy, LLC, DBA R Town Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permit Number 5357680, and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 428-18.**

**By Council Member Cleveland.**

**An emergency resolution objecting to a New C1 Liquor Permit at 7002 Cedar Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Debs Market 2, Inc., DBA Debs Market 7002 Cedar Avenue, Cleveland, Ohio 44103, Permit Number 2001658; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it

substantially interferes with public decency, sobriety, peace or good order; and

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

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

Be it resolved by the Council of the City of Cleveland

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Debs Market 2, Inc., DBA Debs Market 7002 Cedar Avenue, Cleveland, Ohio 44103, Permit Number 2001658, and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 429-18.**

**By Council Member B. Jones.**

**An emergency resolution objecting to the transfer of location of a D1 and D2 Liquor Permit to 6001 Euclid Avenue, Suite 110.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a D1 and D2 Liquor Permit from Con, Inc., 347, DBA Convenient Food Mart, 9815 Madison Avenue, Cleveland, Ohio 44102, Permit Number 1671476 to Vintage59, LLC, 6001 Euclid Avenue, Suite 110, Cleveland, Ohio 44114 Permit Number 9277257; and

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

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

Whereas, the place for which the permit is sought has not conformed to the building, safety or health

requirements of the governing body of this County or City; and

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

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

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

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

Be it resolved by the Council of the City of Cleveland

**Section 1.** That Council does hereby record its objection to the transfer of location of a D1 and D2 Liquor Permit from Con, Inc., 347, DBA Convenient Food Mart, 9815 Madison Avenue, Cleveland, Ohio 44102, Permit Number 1671476 to Vintage59, LLC, 6001 Euclid Avenue, Suite 110, Cleveland, Ohio 44114 Permit Number 9277257; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 430-18.**

**By Council Member Hairston.**

**An emergency resolution objecting to the transfer of location of a D2, D2X and D3 Liquor Permit to 17001 Euclid Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a D2, D2X and D3 Liquor Permit from Kaplan Tavern, Inc., DBA Wooden Nickel, 7702 Spafford Road, 1st floor and basement, Cleveland, Ohio 44105, Permit Number 4471308 to R & T Estate, LLC,



17001 Euclid Avenue, Cleveland, Ohio 44112, Permit Number 7569712; and

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

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

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

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

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

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

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

Be it resolved by the Council of the City of Cleveland

**Section 1.** That Council does hereby record its objection to the transfer of location of a D2, D2X and D3 Liquor Permit from Kaplan Tavern, Inc., DBA Wooden Nickel, 7702 Spafford Road, 1st floor and basement, Cleveland, Ohio 44105, Permit Number 4471308 to R & T Estate, LLC, 17001 Euclid Avenue, Cleveland, Ohio 44112, Permit Number 7569712; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read

third time in full. Adopted. Yeas 17. Nays 0.

**SECOND READING EMERGENCY ORDINANCE PASSED**

**Ord. No. 357-18.**

By Council Member Kelley (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 605-15, passed December 4, 2017, relating to employing one or more professional consultants to create and administer a permitting and billing program for unnecessary police and fire alarms.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 393-18.**

By Council Member Griffin.

An emergency resolution calling upon the Ohio legislature to enact a "red flag" law that would allow the seizure of guns before a person can commit an act of violence against self or others.

Approved by Committee on Finance, when amended, as follows:

1. In the title, line 2, and Section 1, line 1, strike "enact" and insert "pass Ohio S.B. 278 providing" in both places.

2. In the first whereas clause, line 4, after "others" insert "which Ohio S.B. 278 will similarly follow if passed".

3. In the second whereas clause, line 1 after "laws" insert "and "extreme risk protection orders"; and in line 3, strike "or an "extreme risk protection order"".

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

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

**MOTION**

The Council Meeting adjourned at 7:35 p.m. to meet on Monday, April 16, 2018, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

April 4, 2018

The meeting of the Board of Control convened in the Mayor's office on Wednesday, April 4, 2018 at 10:35 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Absent: Mayor Jackson and Director Dumas.

Others: Tiffany White Johnson, Commissioner, Purchases & Supplies.

Melissa Burrows, Director, Office of Equal Opportunity.

**Resolution No. 128-18.**

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Fabrizi Recycling, Inc. for the public improvement of the 2018-B Water Main Renewal, all items, for the Division of Water, Department of Public Utilities, received on March 1, 2018, under the authority of Ordinance No. 698-16, passed July 13, 2016, upon a unit basis for the improvement in the aggregate amount of \$2,226,260.82, including a \$202,387.35 contingency allowance, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

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

<u>SUBCONTRACTORS:</u>	<u>WORK PERCENTAGE</u>
RAR Contracting (CSB)	\$410,000.00 18.42%
Simplified Alternatives (CSB)	\$170,000.00 7.64%
Sydney Enterprises, LLC (CSB)	\$ 75,000.00 3.37%
Trafftech, Inc. (CSB)	\$ 24,000.00 1.08%
Five Girls Contracting, LLC	TBD N/A
AFAB Transfer, LLC	TBD N/A
Eastland Trucking Co., Inc.	TBD N/A
Grindstone Landscape Supply	TBD N/A
B.E.P. Trucking, LLC	TBD N/A
Fabrizi Trucking & Paving	TBD N/A

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director

Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 129-18.**

By Director Davis.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Mississippi Lime Company for an estimated quantity of quicklime, item 1, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on February 7, 2018 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$287,650.00 (0%, 0 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

**Resolution No. 130-18.**

By Director Davis.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Professional Electric Products Company dba PEPCO for an estimated quantity of Wood Poles, Crossarms and Accessories, Groups C (All Items), Group D (All Items), Group E (All Items) and Group F (All Items) for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon the later of execution of a contract or the day following expiration of the currently effective contract for the goods or services, with two one-year options to renew, received on December 15, 2017 under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$283,928.25, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the required goods and/or services necessary for the specified items.

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: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director

Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 131-18.**

By Director Davis.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of McFarland Cascade Holdings, Inc. for an estimated quantity of Wood Poles, Crossarms and Accessories, Groups A (All Items) and Group B (All Items) for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon the later of execution of a contract or the day following expiration of the currently effective contract for the goods or services, with two one-year options to renew, received on December 15, 2017 under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$632,168.00, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the required goods and/or services necessary for the specified items.

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: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

**Resolution No. 132-18.**

By Director Kennedy.  
Whereas, under the authority of Ordinance No. 1033-16, passed by the Council of the City of Cleveland on November 14, 2016, and Board of Control Resolution No. 518-16, adopted December 28, 2016, the City through its Director of Port Control, entered into Contract No. PS2017-049 with Downtown Cleveland Alliance ("Consultant"), to provide professional services necessary to implement the Common Area Maintenance Agreement by performing property maintenance, management and event planning services at the North Coast Harbor for a period of one year, with three one-year options to renew, for the various divisions of the Department of Port Control; and

Whereas, the City has determined the need for additional property maintenance services related to pavement repairs and improvements to the electrical and lighting systems at North Coast Harbor; and

Whereas, the Consultant has proposed by its letter dated February 1, 2018 to perform the additional work necessary for an amount of \$26,457.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a first modification to City Contract No. PS2017-049 between the City of Cleveland and Downtown Cleveland Alliance for additional maintenance services

related to pavement repairs and improvements to the electrical and lighting systems at North Coast Harbor. The amount to be paid for all services shall be increased by \$26,457.00 from \$351,900.00 per year to a total amount not to exceed \$378,357.00 per year.

Be it further resolved that the amounts attributed to the following subconsultants approved in Board of Control Resolution No. 518-16, adopted December 28, 2016, are amended as follows:

<u>Subconsultant</u>	<u>Certification Amount</u>
Guide Studio f/k/a Studio Graphique, Inc.	CSB \$25,190.00
Kerr Events, LLC	FBE \$55,000.00

Be it further resolved that the following additional subconsultants to Downtown Cleveland Alliance under Contract No. PS2017-049 are approved:

<u>Subconsultant</u>	<u>Certification Amount</u>
Race Ahead CLE	CSB \$ 3,000.00
Ullman Electric	CSB \$15,000.00
Hermes Sports & Social Club LLC	CSB \$10,500.00

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

**Resolution No. 133-18.**

By Director Kennedy.  
Whereas, under the authority of Ordinance No. 499-10, as amended by ordinance Nos. 1624-10, 1435-11 and 1400-12, passed by the Council of the City of Cleveland on June 7, 2010, December 6, 2010, October 31, 2011 and January 28, 2013, respectively, and Board of Control Resolution No. 1-15, adopted January 7, 2015, the City through its Director of Port Control, entered into Contract No. PS2015\*043 with EnviroScience, Inc. ("Consultant"), to provide professional services necessary to provide environmental analytical laboratory services for a period of one year, with three one-year options to renew, for the various divisions of the Department of Port Control.

Whereas, the City, through its Director of Port Control, under the authority of Board of Control Resolution No. 352-16, adopted August 10, 2016, entered into a first modification to Contract No. PS2015\*043; and

Whereas, the City has determined the need for additional services necessary to support the National Pollutant Discharge Elimination System by providing the complete suite of services for environmental sampling and analysis; and

Whereas, the Consultant has proposed by its proposal dated February 21, 2018 to perform the additional work necessary for an amount of \$57,800.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a second modification to City Contract No. PS2015\*043 between the City of Cleveland and EnviroScience, Inc. for the additional environmental sampling and analysis. The amount to be paid for all services shall be increased by \$57,800.00 from \$699,984.85 to a total amount not to exceed \$757,784.85.

Be it further resolved that the amount attributed to the following subconsultant approved in Board of Control Resolution No. 1-15, adopted January 7, 2015, is amended to the following:

<u>Subconsultant</u>	<u>Percentage Amount</u>
Test America	non-certified \$ 27,159.53

Be it further resolved that the amounts attributed to the following subconsultants approved in Board of Control Resolution No. 352-16, adopted August 10, 2016, are amended as follows:

<u>Subconsultant</u>	<u>Percentage Amount</u>
CWM Environmental Cleveland	38.7% CSB \$293,260.16

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

**Resolution No. 134-18.**

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, Junior Achievement of Greater Cleveland, Inc. wishes to use the Public Hall, the Grand Reception Hall and meeting rooms of the Cleveland Public Auditorium on April 26, 2018 for a Junior Achievement student symposium; and

Whereas, the City is willing to allow Junior Achievement of Greater Cleveland to use the Music Hall in the Cleveland Public Auditorium on April 26, 2018 without charge for rental; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that notwithstanding and as an exception to the Public Auditorium rental rates established by Board of Control Resolution No. 250-12, adopted on June 6, 2012, Junior Achievement of Greater Cleveland, Inc., may use the Public Hall, the Grand Reception Hall and meeting rooms of the Cleveland Public Auditorium on April 26, 2018, without a rental charge, for a Junior Achievement student symposium.

Be it further resolved, that the City shall charge Junior Achievement of

Greater Cleveland the actual costs, at the prevailing rates, of any labor, materials and equipment supplied for the event.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

**Resolution No. 135-18.**

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 National Forum for Black Public Administrators, hosted by its Cleveland Chapter, wishes to use the Music Hall of the Cleveland Public Auditorium on the evening of April 20, 2018 for a scholarship fund benefit program; and

Whereas, the City is willing to allow the National Forum for Black Public Administrators to use the Music Hall in the Cleveland Public Auditorium on the evening of April 20, 2018 without charge for rental; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that notwithstanding and as an exception to the Public Auditorium rental rates established by Board of Control Resolution No. 250-12, adopted on June 6, 2012, the National Forum for Black Public Administrators may use the Music Hall in the Cleveland Public Auditorium on the evening of April 20, 2018, without a rental charge, for a scholarship fund benefit event.

Be it further resolved that the City shall charge the National Forum for Black Public Administrators, Cleveland Chapter, the actual costs, at the prevailing rates, of any labor, materials and equipment supplied for the event.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

**Resolution No. 136-18.**

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that, under Ordinance No. 252-17, passed by the Council of the City of Cleveland, April 10, 2017, the United Skates of Cleveland, LLC., is selected upon nomination of the Director of Public Works from a list of companies determined after a full and complete canvass by the Director of Public Works as the company to provide roller skating management and concession services at the skating rink located within Zelma Watson George Recreation Center, for the Division of Recreation, Department of Public Works.

Be it further resolved that the Director of Public Works is authorized to enter into written contract

with United Skates of Cleveland, LLC ("Concessionaire"), based on its June 9, 2017 proposal, as modified March 21, 2018, to supply managerial services for the daily operations of the roller skating rink and concession stand located within Zelma Watson George Recreation Center for a period of five years beginning March 15, 2018 with five one-year options to renew, which contract shall be prepared by the Director of Law and shall include such additional provisions as the Director considers necessary to benefit and protect the public interest.

Be it further resolved that the fee to be paid to United Skates of Cleveland, LLC under the agreement authorized above shall consist of a fixed monthly amount of \$6,950.00 plus 7% of monthly gross revenues and an incentive fee of 3% of gross revenue when monthly expenses do not exceed 68% of monthly gross revenue, provided that the aggregate fee paid to United Skates of Cleveland, LLC shall not exceed \$94,000.00 annually for years 1-5, \$96,000.00 annually for years 6 & 7, and \$97,000.00 annually for years 8-10.

Be it further resolved that the Director of Law shall prepare the Agreement authorized and shall include such other provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

**Resolution No. 137-18.**

By Interim Director Jackson.

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. 109-04-123 located at 10317 Adams 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, Richard J. Edwards has proposed to the City to purchase the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has 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 Richard J. Edwards for the sale of Permanent Parcel No. 109-04-123, 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: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

**Resolution No. 138-18.**

By Interim Director Jackson.  
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. 002-34-030 located at 1930 West 50th 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 sell Land Reutilization Program parcels; and

Whereas, Theresa M. Gorski has proposed to the City to purchase and develop the parcel for residential housing construction; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has 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 Theresa M. Gorski for the sale and development of Permanent Parcel No. 002-34-030, 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: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director

Ebersole, Director McNamara, and Interim Director Donald.

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

**Resolution No. 139-18.**

By Interim Director Jackson.  
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. 132-06-013 located at 6701 Forman 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, Slavic Village Development has proposed to the City to purchase and develop the parcel for a parking lot; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 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 Slavic Village Development for the sale and development of Permanent Parcel No. 132-06-013 located at 6701 Forman 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 \$2,500.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

**Resolution No. 140-18.**

By Director Donald.  
Whereas, under the Ohio Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) General Permit No. OHQ000002 and Draft-Renewal General Permit No. OHQ000003, the City of Cleveland is required to regulate the use of environmental controls on construction activity in the City of Cleveland to control sediment and erosion at applicable developments, before, during and after the construction; and

Whereas, Section 3116.04 of the Codified Ordinances of Cleveland, Ohio, 1976 ("C.O.") authorized the Director of Building and Housing to enter into contract for technical assistance services related to NPDES-covered construction activities including initial plan review, subsequent plan review, site inspection, and the preparation of all financial and programmatic reports, for an amount of compensation to be fixed by the Board of Control; and

Whereas, the Director of Building and Housing intends to enter into a contract with the Cuyahoga Soil and Water Conservation District, on the basis of its February 14, 2018 email for the "above mentioned" technical assistance services for a term of one year with one option, exercisable by the Director, to renew for an additional consecutive one-year term; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Section 3116.04 C.O., the compensation to be paid for professional services to be rendered under the "above mentioned" agreement with the Cuyahoga Soil and Water Conservation District shall not exceed \$100,000.00 for the initial year and \$100,000.00 for the optional renewal year, if exercised.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director L. Jackson, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

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, APRIL 23, 2018**

**9:30 A.M.**

**Calendar No. 18-75:** 3910 Clinton Avenue (Ward 3)

Daniel McKenna, owner, proposes to construct a single family residence 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 355.04 which states that the permitted maximum gross floor area can be equal to 1/2 of the lot area or in this case 2,453 square feet; the proposed floor area is 4,669 square feet maximum gross floor.

2. Section 357.09(b)(2)(B) which states that an interior side yard shall be no less than ¼ of the height of the Building or in this case 9 feet; proposed interior side yards are three (3) feet and five (5) feet. (Filed March 21, 2018)

**Calendar No. 18-76:** 2221 West 20th Street (Ward 3)

Leigh Fox, owner, proposes to build a multi-family residence in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the maximum gross floor area allowed is 3,631.50 square feet and the proposed gross floor area is 3,718 square feet.

2. Section 357.09(b)(2)(A) which states that in Residence Districts other than Limited One Family Districts, no building shall be erected less than 10' from main building on an adjoin lot within such Residence Districts; proposed distance is 7' - 2".

3. Section 357.09(b)(2)(C) which states that in Multi-Family districts no interior side yard, shall be less than 8'; proposed side yard is 3'.

4. Section 357.13 which states that an air conditioning unit is not a permitted interior side yard encroachment. (Filed March 28, 2018)

**Calendar No. 18-77:** 3245 West 61st Street (Ward 3)

Lindsay Perez, owner, proposes to keep a miniature horse on a 5,000 square foot 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 345.03(c)(17) which states that keeping of horses is first permitted in a Semi-Industry District.

2. Section 347.02(c)(3) which states that no horses shall be kept on a property except in areas specifically designated for keeping such animals. (Filed April 2, 2018)

**POSTPONED FROM  
MARCH 19, 2018**

**Calendar No. 18-33:** 5805-5813 Hough Avenue (Ward 7)

Sterling Pettway, owner, proposes to establish use as a fence contracting company with outdoor storage and to install an 8 foot tall

chain link fence D2 Multi-Family Residential District. The owner appeals for relief from the strict application of Section of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(33) which states that warehouse and outdoor storage use is first permitted in Semi Industrial District. Any material stored in unenclosed premises to a height greater than 4 feet above the grade level shall be a surrounded by a substantial 7 foot high wall or fence erected to observe all required building lines and chain link fence proposed.

2. Section 349.01 which states that a parking area in amount of 15% of the gross lot area is required and no off street parking proposed.

3. Section 349.07 which states that all vehicle maneuvering areas shall be paved and drained within the lot. Only one driveway shall be permitted for each 100 feet of frontage. No driveway shall be so located that there would be less than 15 feet between the point of tangency of the driveway apron radius and the outside crosswalk the proposed new driveway is directly adjacent to the crosswalk.

4. Sections 352.08 through 352.11 which state that eight feet of landscaped transition strip is required where a Semi-Industry District would abut a Multi-Family District. Installation is required of screening with 75% or greater opacity of sufficient height to conceal uses specified herein (outdoor storage) from view from the ground floor level on adjoining properties and from the street and no landscaping proposed.

5. Section 358.04 which states that in residential districts, fences in actual front yards and in actual front yards and in actual side street yards shall not exceed 4 feet in height. Fences in actual rear yard and actual interior side yard shall not exceed 6 feet in height.

6. Section 358.04(b) which states that in residential districts, only ornamental fences shall be installed in actual front yards. (Filed January 26, 2018)

**Calendar No. 17-358:** 5809 Hough Avenue (Ward 7)

Sterling Pettway, owner, proposes to install an (8) eight feet tall chain link fence in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of Section of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(a) which states that fences in actual front yard and in actual side street yards shall not exceed four (4) feet in height.

2. Section 358.04(b) which states that in Residential Districts, only ornamental fences, as defined herein, shall be installed in actual front yards and in actual side street yards if located within four (4) feet of the side street property line. The Board of Zoning Appeals may however permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property. (Filed December 4, 2017 - Testimony Taken)

**Calendar No. 17-359:** 5813 Hough Avenue (Ward 7)

Sterling Pettway, owner, proposes to install an (8) eight feet tall chain

link fence in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of Section of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(a) which states that fences in actual front yard and in actual side street yards shall not exceed four (4) feet in height.

2. Section 358.04(b) which states that in Residential Districts, only ornamental fences, as defined herein, shall be installed in actual front yards and in actual side street yards if located within four (4) feet of the side street property line. The Board of Zoning Appeals may however permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property. (Filed December 4, 2017 - Testimony Taken)

Second postponement made at the request of the Councilman to allow him time to meet with the appellant. First postponed at the request of the board to allow time for the appellant to meet with the City Planner about the proposed storage use.

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, APRIL 9, 2018**

At the meeting of the Board of Zoning Appeals on Monday, April 9, 2018 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 18-35:** 1956 East 79th Street

Abdel Abukhalil, owner, proposes to erect a two story medical office and retail pharmacy building in an MMUD1 district.

**Calendar No. 18-52:** 430 Jefferson Avenue

JSAW3 LTD., owner, proposes to establish use as retail and 6 dwelling units in a B1Two Family Residential District.

**Calendar No. 18-59:** 2249 West 6th Street

Nehemiah Smith, owner, proposes to build a two family residence in a B1 Two Family Residential District.

**Waste Collection**

**Calendar No. 18-67:** 908 Ruple Avenue

Beverly Greer, 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

**Calendar No. 18-68:** 1349 West 65th Street

Doug Gertz, owner, proposes to erect a 2 story, 1,755 square foot, one family structure and detached garage in a B1 Two Family Residential District.

The following appeals were **DENIED:**

None.

The following appeal was **WITHDRAWN**:

**Calendar No. 18-12:** Ashok Kumar  
2011 Broadview Road.

The following appeals were **DISMISSED**:

None.

The following case was **POSTPONED**:

**Calendar No. 18-66:** Igor Kaschinski  
4202-04 Bucyrus Avenue. Postponed to May 7, 2018.

The following cases were heard by the Board of Zoning Appeals on Monday, March 26, 2018 and the decisions were adopted and approved on Monday, April 9, 2018:

The following appeals were **APPROVED**:

**Calendar No. 18-53:** 1801 West 50th Street  
Ray and Suzanne Tonsing, owners, proposes to erect a new single family home with detached garage in a B1 Two-Family Residential District.

**Calendar No. 18-54:** 3508 Siam Avenue  
Cleveland Bricks, owner, proposes to construct a new attached garage onto existing two family house located in a B1 Two-Family Residential District.

**Calendar No. 18-55:** 1539 West 102nd Street  
JJK-GAAS LLC., owner, proposes to change use to auto repair and painting of motor vehicles in a B2 Semi-Industry District.

**Calendar No. 18-60:** 14901 Lawndale Avenue  
Judy Jolly-Cooper, 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.

The following cases were heard by the Board of Zoning Appeals on Monday, April 2, 2018 and the decisions were adopted and approved on Monday, April 9, 2018:

The following appeals were **APPROVED**:

**Calendar No. 18-46:** 4005-4017 Lorain Avenue (aka 3829 Lorain Avenue)  
Triban Investments, LLC., owner, and Brent Zimmerman prospective purchaser propose to construct a mixed use building consisting of retail stores and 33 townhouse units in a C3 Local Retail Business District and a Pedestrian Retail Overlay District.

**Calendar No. 18-58:** 1135 Parkwood Avenue  
Helping Hands and Loving Hearts, owner, proposes to change use to a state licensed Residential Facility for up to five residents in a B1 Two-Family Residential District.

**Calendar No. 18-61:** 1257 East 89th Street  
Taalib Abdullah, owner, proposes to change use from Type 'B' day

care to Type 'A' day care in a B1 Two Family Residential District.

**Calendar No. 18-62:** 2104 West 25th Street  
United Twenty-Fifth Building, LLC., owner, proposes to add a residential unit to existing commercial, non-residential building in a C4 Local Retail Business District.

**Calendar No. 18-63:** 13820 Lorain Avenue  
Overland Associates, owner, proposes to change use to 110,000 square foot indoor storage facility (second floor to be added to existing 55,000 square foot building), and to construct 3,050 square foot retail building and 3 additional storage buildings in a C2 Semi-Industry District, B3 General Industry District and an Urban Form Overlay District.

**Calendar No. 18-65:** 3800 Euclid Avenue  
3800 Euclid House, LLC., owner, proposes make interior and exterior alterations to establish use as 12 apartments on second floor and 2,750 square feet of retail on first floor in an E4 General Retail Business District.

Secretary

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

Re: Report of the Meeting of  
April 4, 2018

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-14-18.

RE: Appeal of Mabel Property, LLC, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property, located on the premises known as 4460 West 149th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 3, 2018 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-14-18 has been WITHDRAWN at the request of the Appellant.

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#### Docket A-20-18.

RE: Appeal of Chareen Fountain, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 3324 East 142nd Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated December 6, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Notice of Violation was properly issued indicating the condition of the roof, which must be repaired; the Appellant is granted until June 1, 2018 to repair the roof according to the Codified Ordinances of the City of Cleveland; 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. Maschke and seconded by Mr. Bradley.

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

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#### Docket A-22-18.

RE: Appeal of Roberto Montanez, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 2086 West 93rd Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 22, 2018 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, 2018 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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#### Docket A-23-18.

RE: Appeal of Eleanor E. Taylor, Owner of the Two Dwelling Units Two-Family Residence Two Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 3676 East 147th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 8, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for additional time based upon the findings of the inspection, noting that some of the violations may or may not exist and must be re-inspected by the inspector; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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#### Docket A-25-18.

RE: Appeal of Yoilly Ocasio, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 3595 West 45th Street from a CONDEMNATION

ORDER — MAIN STRUCTURE, dated December 17, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued, and to grant the Appellant until May 15, 2018 to submit a plan to the Building Department for rehabilitation of the property, and until October 1, 2018 to complete abatement of the violations; noting that failure to meet either date will Remand the property immediately; 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, Maschke. Nays: None.

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**Docket A-27-18.**

RE: Appeal of Anthony V. Arlia, Owner of the MXD Mixed Uses — Multiple Uses In One Building One Story Masonry Walls/Wood Floors Property, (North portion Kirby Vacuum Cleaner Storefront and Shop — V18000404); Southwest portion (2 & 1/2 Story Framed, Gable Roof with 2nd Floor Dwelling Unit — V18000814); and Southeast portion (One Story Masonry Tenant Space — V18000816), located on the premises known as 4383 State Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated January 9, 2018 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 following timelines: to grant no time for V18000404, the property is REMANDED to the Department of Building and Housing for further action: Appellant is granted until June 1, 2018 to submit drawings and obtain all required permits, and until December 1, 2018 to complete abatement of the violations for V18000814: To require the Appellant to return to the Board on April 18, 2018 with an engineer's assessment of this portion of the property for V18000816. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-28-18.**

RE: Appeal of Braff Whitt, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 3107 Otokar Street from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated January 29, 2018 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, 2018 to

complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action: Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-29-18.**

RE: Appeal of Jezeel Acosta, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3434 West 54th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated December 4, 2017 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-29-18 has been POSTPONED; to be rescheduled for May 2, 2018.

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**Docket A-30-18.**

RE: Appeal of Samuel W. Hoyer, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 3426 East 118th Street from a NOTICE OF VIOLATION — FIRE DAMAGE, dated January 11, 2018 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-30-18 has been POSTPONED; to be rescheduled for May 2, 2018.

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**Docket A-31-18.**

RE: Appeal of Nelson Rivera, Owner of the MXD Mixed Uses — Multiple Uses In One Building Two Story Masonry Walls/Wood Floors Property, located on the premises known as 3023 Clark Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 25, 2018 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-31-18 has been POSTPONED; to be rescheduled for April 18, 2018.

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**Docket A-32-18.**

RE: Appeal of Lynette Williams, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, and One Story Garage — Detached; Wood Frame Property located on the premises known as 13714 Benwood Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated December 15, 2017 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, 2018 to abate the violations or dispose of the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-33-18.**

RE: Appeal of Erica Clinkscale, Owner of the Three Dwelling Units Three-Family Residence Two & One-half Story Frame Property and One & One-half Story Garage — Detached; Wood Frame Property, located on the premises known as 7519 Sagamore Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated February 6, 2018 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, 2018 to submit a plan to the Building Department and obtain all required permits to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-34-18.**

RE: Appeal of Rideau Corp., Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 2557 Blatt Ct. from a NOTICE OF VIOLATION — FIRE DAMAGE, dated January 16, 2018 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, 2018 to obtain all required permits and 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, Maschke. Nays: None.

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**Docket A-35-18.**

RE: Appeal of Roberta Lynn Morrow, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 5117 Herman Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 22, 2018 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.

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until August 31, 2018 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, Maschke. Nays: None.

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**Docket A-63-18.**

RE: Appeal of NDHMD Inc., Owner of the S-2 Storage — Low Hazard (Non-combustibles) Two Story Masonry Property, located on the premises known as 7275 Wentworth Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated February 22, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued and to DENY the Appellant's appeal for additional time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

\* \* \*

**EXTENSION OF TIME:**

**Docket A-93-17.**

Queen E. Willis — 2235 Green Road:

A motion is in order at this time to grant the Appellant until October 1, 2018 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, Maschke. Nays: None.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Gallagher and seconded by Mr. Saab 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-255-17 — Jack & Maryann Ricchiuto
- A-257-17 — Jack Ricchiuto
- A-1-18 — Michael J. Kaczmarek
- A-7-18 — John R. Mance
- A-10-18 — Zivka Pejanovic
- A-11-18 — Caroleanne Danszczak
- A-13-18 — Ricardo Dones
- A-15-18 — Carlee Golphin
- A-17-18 — Robert Gollin

- A-18-18 — Jason Pecjak
- A-19-18 — Antwane Moore
- A-60-18 — HH Cleveland Huntington LP

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

\* \* \*

**APPROVAL OF MINUTES:**

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

March 21, 2018

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

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY of CLEVELAND BIDS**

**For All Departments**

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

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

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

**Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO")**

**prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."**

**FRIDAY, APRIL 20, 2018**

**File No. 40-18 — Emergency Medical Services Headquarters Building Lighting Improvement Project**, for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance No. 734-14, 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. ALL PLANS AND SPECIFICATIONS MUST BE PURCHASED DIRECTLY FROM THE DIVISION OF PURCHASES AND SUPPLIES BIDDERS MUST BE ON PLAN-HOLDERS LIST TO SUBMIT A BID OR RECEIVED ADDENDUMS.)**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, APRIL 12, 2018 AT 10:00 A.M. EMS HEADQUARTERS, 1701 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).**

April 4, 2018 and April 11, 2018

**WEDNESDAY, APRIL 25, 2018**

**File No. 41-18 — Industrial Parkway and West 160th Street (Briar Road to West 130th Street)**, for the Division of Engineering and Construction, Office of Capital Projects, as authorized by Ordinance No. 1365-17, passed by the Council of the City of Cleveland, December 4, 2017.

**THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) 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. ALL PLANS AND SPECIFICATIONS MUST BE PURCHASED DIRECTLY FROM THE DIVISION OF PURCHASES AND SUPPLIES BIDDERS MUST BE ON PLAN-HOLDERS LIST TO SUBMIT A BID OR RECEIVED ADDENDUMS.)**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, APRIL 12, 2018 AT 9:30 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE,**



CLEVELAND, OHIO 44114, ROOM 518.  
 NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

April 4, 2018 and April 11, 2018

**THURSDAY, MAY 3, 2018**

**File No. 42-18 — 2018 - 2023 Dishonesty and Crime Bond Insurance**, for the various Divisions, Department of Finance, as authorized by Section 171.13 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, APRIL 19, 2018 AT 2:00 P.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 18.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

April 4, 2018 and April 11, 2018

**WEDNESDAY, MAY 2, 2018**

**File No. 43-18 — Various Specialty Tires, Tubes, and Related Equipment**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, APRIL 24, 2018 AT 10:00 A.M. DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

**File No. 44-18 — Tire Repair and Road Service**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, APRIL 24, 2018 AT 10:30 A.M. DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

**File No. 45-18 — Purchase of Allison Remanufactured Transmission Repairs**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, APRIL 24, 2018 AT 11:00A.M. DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

April 11, 2018 and April 18, 2018

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 389-18.**

**By Council Member Johnson.**

**An emergency resolution objecting to a New C2 Liquor Permit at 12704 Buckeye Road.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C2 Liquor Permit at Evans Quick Pick, LLC, DBA Evans Quick Pick, 12704 Buckeye Road, Cleveland, Ohio 44120, Permit Number 2585220; and

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

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

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

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

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

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

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

Be it resolved by the Council of the City of Cleveland

**Section 1.** That Council does hereby record its objection to a New C2 Liquor Permit at Evans Quick Pick, LLC, DBA Evans Quick Pick, 12704 Buckeye Road, Cleveland, Ohio 44120, Permit Number 2585220; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 2, 2018.

Effective April 3, 2018.

**Res. No. 390-18.**

**By Council Member Griffin.**

**An emergency resolution objecting to a New C1 Liquor Permit at 12915 Buckeye Road.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar 11125, 12915 Buckeye Road, Cleveland, Ohio 44120, Permit Number 26312750835; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit

must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar 11125, 12915 Buckeye Road, Cleveland, Ohio 44120, Permit Number 26312750835; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 2, 2018.

Effective April 3, 2018.

**Res. No. 394-18.**

**By Council Members Brady, Kelley, J. Jones, Keane, Griffin, Zone, Cleveland, Brancatelli, Conwell, McCormack, Bishop, Santana, Polensek, Johnson, B. Jones, Hairston and Kazy.**

**An emergency resolution supporting the millions of young people in their "Enough is Enough" movement demanding that Congress and, locally, the Ohio legislature pass reasonable gun safety legislation.**

Whereas, on March 24, 2018, millions of America's youth declared "enough is enough" by participating in a "March for Our Lives" that generated hundreds of marches across the country and the world; and

Whereas, these young people marched to demand an end to gun violence in the nation's schools and in the nation's streets, and insist that Congress pass legislation that requires universal background checks, prohibits civilians from acquiring assault weapons, and bans high-capacity magazines and bump stocks; and

Whereas, students from many northeast Ohio schools marched here in Cleveland as one of 800 marches planned internationally, spearheaded by students from Marjory Stoneman Douglas High School in Parkland, Florida, the site of the latest mass shooting that took 17 innocent lives; and

Whereas, the March for Our Lives movement here in Cleveland brought an estimated 20,000 people to Public Square in solidarity with March for Our Lives marchers around the country, protesting gun violence in our society and calling for reasonable gun safety laws; and

Whereas, beginning with the shooting at Columbine High School in 1999, more than 187,000 students attending at least 196 primary or secondary schools have experienced a shooting on campus during school hours; and

Whereas, that number - 187,000 - means that the number of children who have witnessed gunfire in their schools exceeds the population of Eugene, Oregon, or Fort Lauderdale, Florida; and

Whereas, since Columbine in 1999, there have been an average of 10 school shootings per year; and

Whereas, in 2007, a troubled freshman brought guns and knives to Cleveland's SuccessTech Academy shooting at teachers and students;

the shooter shot two teachers and two students before killing himself; thankfully, all the victims survived; and

Whereas, children are affected by gun violence, not only in our nation's schools, but also in movie theaters, night clubs and in city streets; and

Whereas, this Council congratulates these young people for their commitment and activism and supports them in their fight to take back their schools and their lives, and in their demand for reasonable gun safety laws here in Ohio and in these United States; 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 hereby supports the millions of young people in their "Enough is Enough" movement demanding that Congress and, locally, the Ohio legislature pass reasonable gun safety legislation.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to the President of the United States and all members of the United States Congress, and to Governor John Kasich and all members of the Ohio legislature, and to representatives of March for Our Lives.

**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 April 2, 2018.

Effective April 3, 2018.

**Ord. No. 76-18.**

**By Council Members McCormack, Cleveland, B. Jones, Brancatelli and Kelley (by departmental request).**

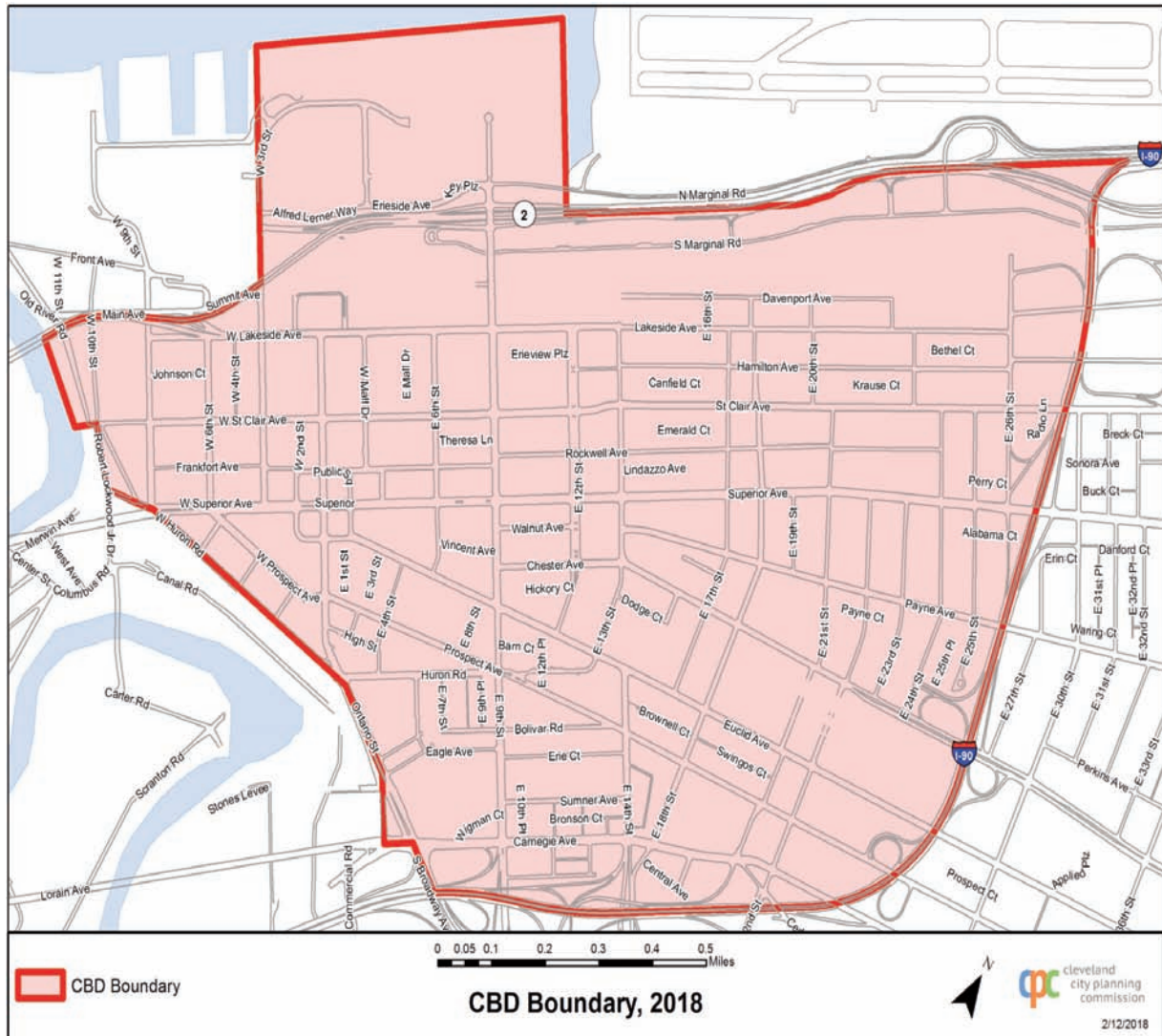
**An ordinance to amend Section 325.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1333-97, passed August 13, 1997, relating to the definition of the Central Business District (CBD).**

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

**Section 1.** That Section 325.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1333-97, passed August 13, 1997, is amended to read as follows:

**Section 325.12 Central Business District**

"Central Business District" (CBD) means the area bounded as follows: Beginning at the intersection of the center lines of West 10th Street and the Cleveland Memorial Shoreway; thence northeasterly along said center line of the Cleveland Memorial Shoreway to its intersection with the center line of West 3rd Street; thence northwesterly along said center line of West 3rd Street to its intersection with the Harbor line of Lake Erie; thence northeasterly along said Harbor line of Lake Erie to its intersection with the northwesterly prolongation of the center line of East 12th Street; thence southeasterly along said northwesterly prolongation and along said center line of East 12th Street to its intersection with said center line of the Cleveland Memorial Shoreway; thence northeasterly along said center line of the Cleveland Memorial Shoreway to its intersection with the center line of the Inner Belt Freeway as established by Ordinance 1845-47, effective October 22, 1947; thence southerly and southwesterly along said center line of the Inner Belt Freeway to its intersection with the center line of Broadway; thence northwesterly along said center line of Broadway to its intersection with the center line of Carnegie Avenue, S.E.; thence southwesterly along said center line of Carnegie Avenue S.E. to its intersection with the center line of Ontario Street; thence northwesterly along said center line of Ontario Street to its intersection with the center line of Huron Road, N.W.; thence northwesterly along said center line of Huron Road N.W. to its intersection with the center line of Superior Avenue N.W.; thence westerly along said center line of Superior Avenue, N.W. to its intersection with the center line of Old River Road; thence northwesterly along said center line of Old River Road to its intersection with the center line of St. Clair Avenue; thence westerly along said center line of St. Clair Avenue and its prolongation to the center line of the Cuyahoga River; thence northwesterly along said Cuyahoga River center line to its intersection with the center line of the Cleveland Memorial Shoreway; thence easterly along said center line of the Cleveland Memorial Shoreway to the place of beginning, and as outlined on the map hereto attached be and the same is now defined as the Central Business District.



**Section 2.** That existing Section 325.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1333-97, passed August 13, 1997, is repealed.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed April 2, 2018.

Effective April 3, 2018.

**Ord. No. 149-18.  
By Council Members Keane and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more concession agreements for the operation of a first-class food and beverage service at the Carl B. Stokes Facility, for a period of 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 notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Utilities is authorized to enter into one or more concession agreements on the basis of competitive proposals, for the operation of a first-class food and beverage service at the Carl B. Stokes Facility located at 1201 Lakeside Avenue, for a period not to exceed two years, with two one-year options to renew. 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. The selection of the concessionaire shall be made by the Board of Control on the nomination of the Director of Public Utilities.

**Section 2.** That the concession agreements authorized 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 April 2, 2018.  
Effective April 3, 2018.

**Ord. No. 227-18.**

**By Council Member McCormack.**

**An emergency ordinance authorizing the Director of Capital Projects to enter into one or more agreements with Downtown Cleveland Alliance, and/or the State of Ohio Department of Natural Resources, and/or Flats East Development LLC or its designee; to issue a permit to encroach into the public rights-of-way of Main Avenue, Old River Road, West 11th Street, West 10th Street and West 9th Street by installing, using, and maintaining electric power improvements, lighting and wayfinding signs, historical and informational kiosks and required electrical ducts; to accept easements for additional rights-of-way at no cost to the City; and to record any necessary documents.**

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 enter into one or more agreements for joint use for project implementation with Downtown Cleveland Alliance, 1010 Euclid Avenue, 3rd floor, Cleveland, Ohio 44115, and/or the State of Ohio Department of Natural Resources, and/or Flats East Development LLC, or its designee, 950 Main Street, Suite 190, Cleveland, Ohio 44113, for a State Capital Improvement Community Recreation Project, and to accept easements for additional right-of-way for the Project, at no cost to the City.

**Section 2.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Flats East Development LLC or its designee ("Permittee"), to encroach into the public rights-of-way of Main Avenue, Old River Road, West 11th Street, West 10th Street and West 9th Street by installing, using, and maintaining electric power improvements lighting and wayfinding signs, historical and informational kiosks, and required electrical ducts, at specific locations to be reviewed and approved in writing by the Director of Capital Projects prior to any installation.

**Section 3.** That the Director of Law shall prepare the agreement(s) and permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the 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 authorized 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

the City's Division 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 5.** That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

**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 April 2, 2018.  
Effective April 3, 2018.

**Ord. No. 258-18.**

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

**An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 1505 RCD 2016-1 with Tyco Fire & Security (US) Management Inc. dba SimplexGrinnell LP for the requirements of the labor and materials necessary for the inspection, testing, repair, and service of proprietary fire protection and life safety systems, including replacement equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities.**

Whereas, under the authority of Ordinance No. 1486-15, passed February 8, 2016, the Director of Public Utilities entered into Contract No. MA 1505 RCD 2016-1 with Tyco Fire & Security (US) Management Inc. dba SimplexGrinnell LP ("SimplexGrinnell") for the requirements of the labor and materials necessary for the inspection, testing, repair, and service of proprietary fire protection and life safety systems, including replacement equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities; and

Whereas, Ordinance No. 1486-15 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 1505 RCD 2016-1 for an additional year with SimplexGrinnell for the requirements of the labor and materials necessary for the inspection, testing, repair, and service of proprietary fire protection and life safety systems, including replacement equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. This ordinance constitutes the additional legislative authority required by Ordinance No. 1486-15 to exercise this option. (RQN 2002, RL 2018-1)

**Section 2.** That this ordinance is declared to be an emergency mea-

sure 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 April 2, 2018.  
Effective April 3, 2018.

**Ord. No. 259-18.**

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

**An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. CT 2004 PS 2016-083 with Middough Inc. to provide for general engineering services for the Division of Cleveland Public Power.**

Whereas, under the authority of Section 129.294 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities entered into Contract No. CT 2004 PS 2016-083 with Middough Inc. to provide for general engineering services for the Division of Cleveland Public Power; and

Whereas, Section 129.294 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. CT 2004 PS 2016-083 for an additional year with Middough Inc. to provide for general engineering services for the Division of Cleveland Public Power. This ordinance constitutes the additional legislative authority required by Section 129.294 to exercise this option. (RQS 2004, RL 2018-17)

**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 April 2, 2018.  
Effective April 3, 2018.

**Ord. No. 297-18.**

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

**An emergency ordinance authorizing the Director of City Planning to apply for and accept a grant from the Cleveland Foundation to support the piloting of the Form-Based Zoning Program; and authorizing the Director to employ one or more professional consultants 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 City Planning is authorized to apply for and accept a grant in the approximate amount of \$50,000, and any other funds that may become available during the grant term from the Cleveland Foundation to support the piloting of the Form-Based Zoning 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 Terms and Conditions of Grant contained in the file described below.

**Section 2.** That the Terms and Conditions of the Grant, File No. 297-18-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 City Planning 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 implement the grant as described in the file, including but not limited to, facilitating a zoning code overhaul, identifying up to two Cleveland neighborhoods to pilot form-based code implementation, facilitating appropriate resident and stakeholder engagements, developing a code, and developing subsequent education and training opportunities for City staff, City Council, and Community Development Corporations.

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 City Planning from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of City Planning 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 City Planning, and certified by the Director of Finance.

**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 April 2, 2018.  
Effective April 3, 2018.

**Ord. No. 326-18.**  
**By Council Members Brancatelli and Kelley (by departmental request).**

**An emergency ordinance to amend Section 2 of Ordinance No. 1533-15, passed April 4, 2016, in order to**

**repeal a sunset expiration of Sections 3143.01 to 3143.04 and 3143.99 regarding inspections of building facades.**

Whereas, Ordinance No. 1533-15, passed April 4, 2016, enacted new Sections 3143.01, 3143.02, 3143.03, 3143.04, and 3143.99 ("Chapter 3143") relating to Exterior Walls and Appurtenances, to require inspection of building facades to protect the public safety and welfare from risk of injury that may result from the effects of building deterioration on exterior facades; and

Whereas, Section 2 of Ordinance No. 1533-15 provides that Chapter 3143 will only be in effect for a period of two years after its effective date, which would be April 7, 2018; and

Whereas, it is the intention of the Council that by amending Section 2 of Ordinance No. 1533-15 that this Council is permanently enacting Chapter 3143 until legislation to the contrary is authorized; 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 Section 2 of Ordinance No. 1533-15, passed April 4, 2016, is amended to read as follows:

Section 2. That new Chapter 3143 shall take effect sixty days after the effective date of this ordinance. One year after the effective date of this ordinance, the Director of Building and Housing shall provide the members of Council with a review of this legislation.

**Section 2.** That existing Section 2 of Ordinance No. 1533-15, 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 April 2, 2018.  
Effective April 3, 2018.

**Ord. No. 331-18.**  
**By Council Members Keane and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA RC 2016-53 with J.W. Didado Electric LLC to maintain, repair, and replace substation equipment, including but not limited to switchgear, circuit breakers, batteries, and fiber optic splicing, for the Division of Cleveland Public Power.**

Whereas, under the authority of Ordinance No. 656-15, passed June 8, 2015, the Director of Public Utilities entered into Contract No. MA RC 2016-53 with J.W. Didado Electric LLC to maintain, repair, and replace substation equipment, including but not limited to switchgear, circuit breakers, batteries, and fiber optic splicing, for the Division of Cleveland Public Power; and

Whereas, Ordinance No. 656-15 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 RC 2016-53 for an additional year with J.W. Didado Electric LLC for the requirements for an additional year to maintain, repair, and replace substation equipment, including but not limited to switchgear, circuit breakers, batteries, and fiber optic splicing, for the Division of Cleveland Public Power. This ordinance constitutes the additional legislative authority required by Ordinance No. 656-15 to exercise this option. (RQS 2004, RL 2018-4)

**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 April 2, 2018.  
Effective April 3, 2018.

**Ord. No. 332-18.**  
**By Council Members Keane and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA RC 2016-64 with AVO/Multi-Amp Corp. dba Megger to provide maintenance, repair, or replacement of test equipment and training, if necessary, for the Division of Cleveland Public Power.**

Whereas, under the authority of Ordinance No. 655-15, passed June 8, 2015, the Director of Public Utilities entered into Contract No. MA RC 2016-64 with AVO/Multi-Amp Corp. dba Megger to provide maintenance, repair, or replacement of test equipment and training, if necessary, for the Division of Cleveland Public Power; and

Whereas, Ordinance No. 655-15 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 RC 2016-64 for an additional year with AVO/Multi-Amp Corp. dba Megger for the requirements for an additional year to provide maintenance, repair, or replacement of test equipment and training, if necessary, for the Division of Cleveland Public Power. This ordinance constitutes the additional legislative authority required by Ordinance No. 655-15 to exercise this option. (RQS 2004, RL 2018-3)

**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 April 2, 2018.  
Effective April 3, 2018.

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**Ord. No. 333-18.**  
**By Council Members Keane and Kelley (by departmental request).**  
**An emergency ordinance authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services needed to repair, replace, and maintain the high-voltage static transmission pipe-type cable system components and for emergency oil spill cleanup, including labor and installation, if necessary, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years, with two one-year options to renew, the first of which is exercisable through 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 two-year period with two one-year options to renew of the necessary items of materials, equipment, supplies, and services needed to repair, replace, and maintain the high-voltage static transmission pipe-type cable system components and for emergency oil spill cleanup, including labor and installation, if necessary, 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 Cleveland Public Power, 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 2004, RL 2018-2)

**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.

Passed April 2, 2018.  
Effective April 3, 2018.

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**Ord. No. 334-18.**  
**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 to paint poles and other street side elements, for the Division of Cleveland Public Power, 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 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 period of two years of the necessary items of labor and materials to paint poles and other street side elements, for the Division of Cleveland Public Power, Department of Public Utilities, 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 Cleveland Public Power, Department of Public Utilities. 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 2004, RL 2018-5)

**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.

Passed April 2, 2018.  
Effective April 3, 2018.

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**Ord. No. 360-18.**  
**By Council Members Keane and Kelley (by departmental request).**  
**An emergency ordinance authorizing the City of Cleveland to participate in the Northeast Ohio Public Energy Council for electric aggregation services and power supply program to serve residential and small commercial customers for 24 months, starting with the June 2018 meter read date(s) until the June 2020 meter read date(s); and approving NOPEC's Plan of Operation and Governance for the City of Cleveland's electric aggregation and power supply program.**

Whereas, the City of Cleveland (the "City") seeks to participate in the Northeast Ohio Public Energy Council's ("NOPEC") electric aggregation and power supply program established for the benefit of its member communities; and

Whereas, Section 4928.20 of the Revised Code permits a municipality to create an electric aggregation and power supply program and thereby combine the electricity loads of its residents and small commercial customers for the purpose of seeking sources of electricity for such customers; and

Whereas, on November 7, 2000, the electors of the City voted to authorize such a program in the City; and

Whereas, under Section 4928.20 of the Revised Code, the City is authorized to establish an opt-out electric aggregation and power supply program for the benefit of eligible electric customers located within the City; and

Whereas, through Ordinance No. 799-03, passed June 2, 2003, the City entered into a membership agreement with NOPEC; and

Whereas, under division (C) of Section 4928.20 of the Revised Code, the legislative authority or board of a municipality developing an automatic aggregation program is required to adopt a Plan of Operation and Governance ("POG") for its municipal aggregation program; and

Whereas, governmental aggregation provides an opportunity for the City to combine the electric loads of its residents and small commercial customers and offer electrical customers the ability to participate in any benefits of electric deregulation; and

Whereas, this Council previously enacted legislation authorizing the City to join NOPEC's natural gas aggregation program to enable the City to act jointly with other member political subdivisions and maximize any benefits of energy deregulation through group purchasing efforts; and

Whereas, behalf of this Council under Section 4928.20 of the Revised Code, two public hearings have been held on the POG for the NOPEC electric aggregation and power supply program; 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 finds and determines that it is in the best interest of the City of Cleveland, and certain electric customers within the City, to participate in the opt-out electric aggregation services and power supply program offered by NOPEC, on the basis of the NOPEC proposal dated July 20th, 2017, and re-freshed pricing proposal dated January 4th, 2018, which are placed in File No.

**Section 2.** That the Director of Finance, or the City's designee, shall serve as the City of Cleveland's representative to the General Assembly of NOPEC to represent the City and the City's interest. The representative shall serve in his or her official capacity.

**Section 3.** That the Director of is authorized to make any applications or filings with the Public Utilities Commission of Ohio and execute any documents as may be necessary to implement the governmental aggregation program authorized by this ordinance.

**Section 4.** That upon the Director of Finance's authority, the City may withdraw from participating in NOPEC's electric aggregation program, without charge, by providing written notice to NOPEC of the City's withdrawal on or before July 1, 2019, accompanied by a certified copy of duly approved legislation of the Council authorizing the withdrawal. Any such withdrawal by the City shall not be effective until the June 2020 Cleveland Electric Illuminating Company meter read date(s) or such later date as rules of the Public Utilities Commission of Ohio require at that time.

**Section 5.** That this Council adopts the POG in substantially the form contained in the above-mentioned Council File for the implementation and administration of Cleveland's municipal electric aggregation program under Section 4928.20 of the Revised Code.

**Section 6.** That this Council finds and determines that all formal actions of this Council concerning

and relating to the adoption of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**Section 7.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 2, 2018.  
Effective April 3, 2018.

**Ord. No. 391-18.  
By Council Members Bishop,  
Cleveland and Brancatelli.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Broadway School of Music & the Arts for the Community Arts Instruction and Enrichment Program through the use of Wards 2, 5 and 12 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 effective February 1, 2017 with Broadway School of Music & the Arts for the Community Arts Instruction and Enrichment Program for the public purpose of providing art and music instruction to youth residing in the city of Cleveland through the use of Wards 2, 5 and 12 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$31,000 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.

Passed April 2, 2018.  
Effective April 3, 2018.

**Ord. No. 392-18.  
By Council Member Kazy.  
An emergency ordinance authorizing the Director of the Department of the Department of Public Safety to enter into an**

**agreement with Bellaire-Puritas Development Corporation for the Summer Safety Education Series in the Park Expo through the use of Ward 16 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 Public Safety is hereby authorized to enter into agreement effective April 1, 2018 with the Bellaire-Puritas Development Corporation for the Summer Safety Education Series in the Park Expo for the public purpose of providing safety education programming on drug use, violence and crime prevention to city of Cleveland residents through the use of Ward 16 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$15,000 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.

Passed April 2, 2018.  
Effective April 3, 2018.

**COUNCIL COMMITTEE MEETINGS**

**Monday, April 9, 2018  
2:00 p.m.**

**Finance Committee:** Present: Kelley, Chair; Zone, Vice Chair; Brady, Brancatelli, Cleveland, Conwell, Griffin, Keane, McCormack.

**Tuesday, April 10, 2018  
9:30 a.m.**

**Development, Planning and Sustainability Committee:** Present: Brancatelli, Chair; Bishop, Hairston, B. Jones, Keane, McCormack. *Authorized Absence:* Cleveland, Vice Chair.

**1:30 p.m.**

**Utilities Committee:** Present: Keane, Chair; Kazy, Vice Chair; Bishop, Hairston, McCormack, Polensek. *Unauthorized Absence:* Santana.

**Wednesday, April 11, 2018  
10:00 a.m.**

**Safety Committee:** Present: Zone, Chair; Polensek, Vice Chair; Griffin, Kazy, B. Jones, J. Jones, Santana.

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O—Ordinance; R—Resolution; F—File  
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To amend the title and Section 1 of Ordinance No. 605-15, passed December 4, 2017, relating to employing one or more professional consultants to create and administer a permitting and billing program for unnecessary police and fire alarms. (O 357-18) .....531

**Cuyahoga Metropolitan Housing Authority ( CMHA )**

From Council President Kevin J Kelley. Recommending that Cleveland City Council appoint Joseph W. Black to the Board of Commissioners of the Cuyahoga Metropolitan Housing Authority (CMHA), with the term ending October 24, 2020. Received. Without objection by Council, the appointment is approved. (F 411-18) .....525

**Electric Aggregation Program**

Authorizing the City of Cleveland to participate in the Northeast Ohio Public Energy Council for electric aggregation services and power supply program to serve residential and small commercial customers from the June 2018 through the May 2020 meter read cycle; and approving NOPEC's Plan of Operation and Governance for the City of Cleveland's electric aggregation and power supply program. (O 360-18) .....544

**Encroachments**

Authorizing the Director of Capital Projects to enter into one or more agreements with Downtown Cleveland Alliance, and/or the State of Ohio Department of Natural Resources, and/or Flats East Development LLC or its designee; to issue a permit to encroach into the public rights of way of Main Avenue, Old River Road, West 11th Street, West 10th Street and West 9th Street by installing, using, and maintaining electric power improvements, lighting and wayfinding signs, historical and informational kiosks and required electrical ducts; to accept easements for additional rights of way at no cost to the City; and to record any necessary documents. (O 227-18) .....542

**Finance Department**

To amend the title and Section 1 of Ordinance No. 605-15, passed December 4, 2017, relating to employing one or more professional consultants to create and administer a permitting and billing program for unnecessary police and fire alarms. (O 357-18) .....531

**Flats East Development LLC**

Authorizing the Director of Capital Projects to enter into one or more agreements with Downtown Cleveland Alliance, and/or the State of Ohio Department of Natural Resources, and/or Flats East Development LLC or its designee; to issue a permit to encroach into the public rights of way of Main Avenue, Old River Road, West 11th Street, West 10th Street and West 9th Street by installing, using, and maintaining electric power improvements, lighting and wayfinding signs, historical and informational kiosks and required electrical ducts; to accept easements for additional rights of way at no cost to the City; and to record any necessary documents. (O 227-18) ..... **.542**

**Grants**

Authorizing the Director of Capital Projects to apply for and accept a Green Infrastructure Grant from the Northeast Ohio Regional Sewer District and other grants and gifts from various public and private entities for the Albers Avenue parking lot project; determining the method of making the public improvement; and authorizing contracts to construct and design the improvement and other contracts that are necessary to implement the project. (O 419-18) ..... **.526**

Authorizing the Director of City Planning to apply for and accept a grant from the Cleveland Foundation to support the piloting of the Form Based Zoning Program; and authorizing the Director to employ one or more professional consultants to implement the grant. (O 297-18) ..... **.542**

From Court Administrator Russell R. Brown, III, Cleveland Municipal Court. Notice of acceptance of a grant of \$6,900 from the Ohio Attorney General/Operation Legal Help for Transportation related needs facing Veteran Treatment Court defendants. (F 413-18) ..... **.525**

From Director Michael McGrath, Department of Public Safety, City of Cleveland. Notice of grant acceptance of \$5,000 from the Petco Foundation for the 2017 Holiday Wishes People's Choice Award. (F 412-18) ..... **.525**

**Landmark Commission**

Designating Crawford Road Christian Church as a Cleveland Landmark. (O 426-18) ..... **.528**

**Liquor Permits**

#2526841. Economic Development Transfer Application, D5. ENIMSAJ Corp., 1105 Carnegie Ave. (Ward 5). (F 434-18) ..... **.525**

#26312750080. New License Application, C2. Family Dollar Stores of Ohio, Inc., 3407 Payne Ave. (Ward 7). (F 432-18) ..... **.525**

#2796069. Transfer of License Application, C1 C2. FOFO, Inc., 4147 Lee Rd. (Ward 1). (F 414-18) ..... **.525**

#3408575. Temporary License Application, F8. Group Plan Commission, Cleveland Public Square (Ward 3). (F 418-18) ..... **.525**

#4820000. Transfer of Ownership Application, D5 D6. JSDD Sunset LLC, 17426 Harvard Ave. (Ward 1). (F 415-18) ..... **.525**

#4966478. Transfer of Ownership Application, D1 D2 D3 D3A D6. Lady Luck MTS I, Inc., 19309 Nottingham Rd. (Ward 10). (F 431-18) ..... **.525**

#7569712. Transfer of License Application, D2 D2X D3. R & T Estate LLC, 17001 Euclid Ave. (Ward 10). (F 417-18) ..... **.525**

#7592830. Transfer of Ownership Application, D5 D6. Elizabeth Torres, 9613 Madison Ave. (Ward 15). (F 433-18) ..... **.525**

#9164152. Temporary License Application, F8. University Circle, Inc., Wade Oval (Ward 9). (F 435-18) ..... **.525**

#9277527. Transfer of License Application, D1 D2. Vintage59 LLC, 6001 Euclid Ave. (Ward 7). (F 416-18) ..... **.525**

Objecting to a New C1 Liquor Permit at 12915 Buckeye Road. (R 390-18) ..... **.539**

Objecting to a New C1 Liquor Permit at 5611 Woodland Avenue. (R 427-18) ..... **.529**

Objecting to a New C1 Liquor Permit at 7002 Cedar Avenue. (R 428-18) ..... **.530**

Objecting to a New C2 Liquor Permit at 12704 Buckeye Road. (R 389-18) ..... **.539**

Objecting to the transfer of location of a D1 and D2 Liquor Permit to 6001 Euclid Avenue, Suite 110. (R 429-18) ..... **.530**

Objecting to the transfer of location of a D2, D2X and D3 Liquor Permit to 17001 Euclid Avenue. (R 430-18) ..... **.530**

**Northeast Ohio Public Energy Council**

Authorizing the City of Cleveland to participate in the Northeast Ohio Public Energy Council for electric aggregation services and power supply program to serve residential and small commercial customers from the June 2018 through the May 2020 meter read cycle; and approving NOPEC's Plan of Operation and Governance for the City of Cleveland's electric aggregation and power supply program. (O 360-18) ..... **.544**

**Northeast Ohio Regional Sewer District**

Authorizing the Director of Capital Projects to apply for and accept a Green Infrastructure Grant from the Northeast Ohio Regional Sewer District and other grants and gifts from various public and private entities for the Albers Avenue parking lot project; determining

the method of making the public improvement; and authorizing contracts to construct and design the improvement and other contracts that are necessary to implement the project. (O 419-18) .....526

Determining the method of making the public improvement of constructing the East 185th Street and Marcella Road, Memphis Avenue, Henninger Road, Almira Avenue, and West 3rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to design the improvement; authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for this purpose; and authorizing the director to apply and pay for permits, licenses, and other authorizations required for the improvement. (O 422-18) .....527

**Ohio Attorney General**

From Court Administrator Russell R. Brown, III, Cleveland Municipal Court. Notice of acceptance of a grant of \$6,900 from the Ohio Attorney General/Operation Legal Help for Transportation related needs facing Veteran Treatment Court defendants. (F 413-18) .....525

**Ohio Department of Natural Resources**

Authorizing the Director of Capital Projects to enter into one or more agreements with Downtown Cleveland Alliance, and/or the State of Ohio Department of Natural Resources, and/or Flats East Development LLC or its designee; to issue a permit to encroach into the public rights of way of Main Avenue, Old River Road, West 11th Street, West 10th Street and West 9th Street by installing, using, and maintaining electric power improvements, lighting and wayfinding signs, historical and informational kiosks and required electrical ducts; to accept easements for additional rights of way at no cost to the City; and to record any necessary documents. (O 227-18) .....542

**Permits**

Authorizing and directing the Director of Capital Projects to issue a permit to Abundant Life Christian Fellowship to stretch two banners at 509 East 105th Street for the period from April 12, 2018 to May 11, 2018, inclusive, publicizing the Pastors Leadership Conference. (O 436-18) .....529

**Port Control Department**

Authorizing the Director of Port Control to enter into one or more contracts with Harris Corp. fka Excelis, Inc. for professional services necessary to provide, maintain, install, and upgrade the noise monitoring equipment and software required for FAA Part 150 adherence, for a period of one year, with three one year options to renew, the second of which would require additional legislative authority. (O 421-18) .....526

**Professional Services**

Authorizing the Director of City Planning to apply for and accept a grant from the Cleveland Foundation to support the piloting of the Form Based Zoning Program; and authorizing the Director to employ one or more professional consultants to implement the grant. (O 297-18) .....542

Authorizing the Director of Port Control to enter into one or more contracts with Harris Corp. fka Excelis, Inc. for professional services necessary to provide, maintain, install, and upgrade the noise monitoring equipment and software required for FAA Part 150 adherence, for a period of one year, with three one year options to renew, the second of which would require additional legislative authority. (O 421-18) .....526

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA RC 2017-59 with Norris Brothers Co., Inc. to provide rigging services for the various divisions of the Department of Public Utilities. (O 424-18) .....528

To amend the title and Section 1 of Ordinance No. 605-15, passed December 4, 2017, relating to employing one or more professional consultants to create and administer a permitting and billing program for unnecessary police and fire alarms. (O 357-18) .....531

**Public Improvements**

Authorizing the Director of Capital Projects to apply for and accept a Green Infrastructure Grant from the Northeast Ohio Regional Sewer District and other grants and gifts from various public and private entities for the Albers Avenue parking lot project; determining the method of making the public improvement; and authorizing contracts to construct and design the improvement and other contracts that are necessary to implement the project. (O 419-18) .....526

Determining the method of making the public improvement of constructing the East 185th Street and Marcella Road, Memphis Avenue, Henninger Road, Almira Avenue, and West 3rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins; authorizing the Director of Public



Utilities to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to design the improvement; authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for this purpose; and authorizing the director to apply and pay for permits, licenses, and other authorizations required for the improvement. (O 422-18) .....527

Determining the method of making the public improvement of upgrading electrical services and installing backup power generators at various pump stations; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement authorizing the director to employ one or more professional consultants necessary to design the improvement; authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for this purpose; and authorizing the director to apply and pay for permits, licenses, and other authorizations required for the improvement. (O 423-18) .....527

**Recognition**

Recognition Resolution for CAIR 16th Annual Civil Rights Banquet (R 454-18) .....526

Recognition Resolution for Tyler Thomas (R 453-18) .....526

**Red Flag Law**

Calling upon the Ohio legislature to enact a “red flag” law that would allow the seizure of guns before a person can commit an act of violence against self or others. (R 393-18) .....531

**Resolution of Support**

Calling upon the Ohio legislature to enact a “red flag” law that would allow the seizure of guns before a person can commit an act of violence against self or others. (R 393-18) .....531

Supporting the millions of young people in their “Enough is Enough” movement demanding that Congress and, locally, the Ohio legislature pass reasonable gun safety legislation. (R 394-18) .....540

**Safety Department**

Authorizing the Director of the Department of Public Safety to enter into an agreement with Bellaire-Puritas Development Corporation for the Summer Safety Education Series in the Park Expo through the use of Ward 16 Casino Revenue Funds. (O 392-18) .....545

From Director Michael McGrath, Department of Public Safety, City of Cleveland. Notice of grant acceptance of \$5,000 from the Petco Foundation for the 2017 Holiday Wishes People’s Choice Award. (F 412-18) .....525

**Street Vacation**

Declaring the intent to vacate a portion of Rockhurst Avenue N.E. (R 420-18) .....529

**Utilities Department**

Authorizing the City of Cleveland to participate in the Northeast Ohio Public Energy Council for electric aggregation services and power supply program to serve residential and small commercial customers from the June 2018 through the May 2020 meter read cycle; and approving NOPEC’s Plan of Operation and Governance for the City of Cleveland’s electric aggregation and power supply program. (O 360-18) .....544

Authorizing the Director of Public Utilities to enter into one or more concession agreements for the operation of a first class food and beverage service at the Carl B. Stokes Facility, for a period of two years, with two one year options to renew, the first of which requires additional legislative authority. (O 149-18) .....541

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 1505 RCD 2016-1 with Tyco Fire & Security (US) Management Inc. dba SimplexGrinnell LP for the requirements of the labor and materials necessary for the inspection, testing, repair, and service of proprietary fire protection and life safety systems, including replacement equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. (O 258-18) .....542

Authorizing the purchase by one or more requirement contracts of labor and materials to paint poles and other street side elements, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years. (O 334-18) .....544

Authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services needed to repair, replace, and maintain the high voltage static transmission pipe type cable system components and for emergency oil spill cleanup, including labor and installation, if necessary, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years, with two one year options to renew, the first of which is exercisable through additional legislative authority. (O 333-18) .....544

Determining the method of making the public improvement of constructing the East 185th Street and Marcella Road, Memphis Avenue, Henninger Road, Almira Avenue, and West 3rd Street area sewer replacement or rehabilitation projects, which may include but not

be limited to installing manholes and catch basins; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to design the improvement; authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for this purpose; and authorizing the director to apply and pay for permits, licenses, and other authorizations required for the improvement. (O 422-18) .....527

Determining the method of making the public improvement of upgrading electrical services and installing backup power generators at various pump stations; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement authorizing the director to employ one or more professional consultants necessary to design the improvement; authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for this purpose; and authorizing the director to apply and pay for permits, licenses, and other authorizations required for the improvement. (O 423-18) .....527

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**Ward 02**

Authorizing the Director of the Department of Community Development to enter into agreement with Broadway School of Music & the Arts for the Community Arts Instruction and Enrichment Program through the use of Wards 2, 5 and 12 Casino Revenue Funds. (O 391-18) .....545

**Ward 03**

#3408575. Temporary License Application, F8. Group Plan Commission, Cleveland Public Square (Ward 3). (F 418-18) .....525

Authorizing the Director of Capital Projects to enter into one or more agreements with Downtown Cleveland Alliance, and/or the State of Ohio Department of Natural Resources, and/or Flats East Development LLC or its designee; to issue a permit to encroach into the public rights of way of Main Avenue, Old River Road, West 11th Street, West 10th Street and West 9th Street by installing, using, and maintaining electric power improvements, lighting and wayfinding signs, historical and informational kiosks and required electrical ducts; to accept easements for additional rights of way at no cost to the City; and to record any necessary documents. (O 227-18) .....542

Determining the method of making the public improvement of constructing the East 185th Street and Marcella Road, Memphis Avenue, Henninger Road, Almira Avenue, and West 3rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to design the improvement; authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for this purpose; and authorizing the director to apply and pay for permits, licenses, and other authorizations required for the improvement. (O 422-18) .....527

**Ward 04**

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Authorizing the Director of the Department of Community Development to enter into agreement with Broadway School of Music & the Arts for the Community Arts Instruction and Enrichment Program through the use of Wards 2, 5 and 12 Casino Revenue Funds. (O 391-18) .....545

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Objecting to a New C1 Liquor Permit at 7002 Cedar Avenue. (R 428-18) .....530

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**Ward 07**

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 Authorizing and directing the Director of Capital Projects to issue a permit to Abundant Life Christian Fellowship to stretch two banners at 509 East 105th Street for the period from April 12, 2018 to May 11, 2018, inclusive, publicizing the Pastors Leadership Conference. (O 436-18) .....529  
 Declaring the intent to vacate a portion of Rockhurst Avenue N.E. (R 420-18) .....529

**Ward 10**

#4966478. Transfer of Ownership Application, D1 D2 D3 D3A D6. Lady Luck MTS I, Inc., 19309 Nottingham Rd. (Ward 10). (F 431-18) .....525  
 #7569712. Transfer of License Application, D2 D2X D3. R & T Estate LLC, 17001 Euclid Ave. (Ward 10). (F 417-18) .....525  
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 Determining the method of making the public improvement of constructing the East 185th Street and Marcella Road, Memphis Avenue, Henninger Road, Almira Avenue, and West 3rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to design the improvement; authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for this purpose; and authorizing the director to apply and pay for permits, licenses, and other authorizations required for the improvement. (O 422-18) .....527

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**Ward 17**

Authorizing the Director of Capital Projects to apply for and accept a Green Infrastructure Grant from the Northeast Ohio Regional Sewer District and other grants and gifts from various public and private entities for the Albers Avenue parking lot project; determining the method of making the public improvement; and authorizing contracts to construct and design the improvement and other contracts that are necessary to implement the project. (O 419-18) .....	.526
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**Water Division**

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 1505 RCD 2016-1 with Tyco Fire & Security (US) Management Inc. dba SimplexGrinnell LP for the requirements of the labor and materials necessary for the inspection, testing, repair, and service of proprietary fire protection and life safety systems, including replacement equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. (O 258-18) .....	.542
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**Water Pollution Control Division ( WPC )**

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 1505 RCD 2016-1 with Tyco Fire & Security (US) Management Inc. dba SimplexGrinnell LP for the requirements of the labor and materials necessary for the inspection, testing, repair, and service of proprietary fire protection and life safety systems, including replacement equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. (O 258-18) .....	.542
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