

The City Record

Official Publication of the Council of the City of Cleveland



January the Thirty-First, 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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www.clevelandcitycouncil.org

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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

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

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

Dan Williams, Media Relations Director

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

DIVISIONS:

Architecture and Site Development – _____ Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – James DeRosa, Commissioner

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

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 – Kimberley 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 Zoghbaib, 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 – Randall T. Scott, Interim Commissioner

DEPT. OF PUBLIC HEALTH – Merle Gordon, Director, 75 Erieview Plaza

DIVISIONS:

Air Quality – David Heame, 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 – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

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

Fire – Patrick Kelly, Chief, 1645 Superior Avenue

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

DEPT. OF COMMUNITY DEVELOPMENT – 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, Myrlene 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. Render.

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

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

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

Kevin Kelley.

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. Itu, 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

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 105

WEDNESDAY, JANUARY 31, 2018

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CITY COUNCIL

MONDAY, JANUARY 29, 2018

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City of Cleveland
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PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

The following Committees meet at the Call of the Chair:

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

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

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

intent to apply to Ohio Housing Finance Agency for multifamily funding programs for the development known as Kenmore Gardens and Kenmore Village, on scattered sites in Cleveland, Ohio, including 1634-1636 East 93rd Street, 1784 East 93rd Street, 1795-1801 East 93rd Street, 1854-1856 East 96rd Street, 1298-1406 Ansel Road, 1658-1660 Crawford Avenue, 8512-8515 Decker Avenue, 9500-9508 Edmunds Avenue, 8711-8713 Harkness Avenue, 9407-9419 Lamont Avenue, 9215-9221 Rosalind Avenue, 8704-8712 Superior Avenue, 8801-8811 Wade Park Avenue, 8901-8919 Wade Park Avenue, 9101-9123 Wade Park Avenue. Received.

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.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 29, 2018

The meeting of the Council was called to order at 7:00 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Kevin L. Bishop, Dona Brady, Anthony Brancatelli, 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 Regional Development Edward W. Rybka, Media Relations Director Dan Williams, Chief of Sustainability Matt Gray, Chief of Public Affairs Natoya Walker-Minor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults Duane Deskins, and Directors Langhenry, Davis, Spronz, Gordon, McGrath, Cox, Jackson, Donald, West, Ebersole, Stevenson, Collier, McNamara, Withers, 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 Bishop, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Brady.

COMMUNICATIONS

File No. 111-18.
From Kevin P. Hudson, Project Manager, Levin Group, Inc. Notice of

File No. 137-18.

From Khrys Shefton, Director of real Estate Development, Famicos Foundation. Notice of plans to apply to Ohio Housing Finance Agency for multifamily funding programs for the development known as Circle North Lease-Purchase Homes, on scattered sites in Cleveland, Ohio, including 1389 East 109th Street, 1373 East 110th Street, 1399 East 110th Street, 1367 East 111th Street, 1375 East 111th Street, 1388 East 111th Street, 1392 East 111th Street, 1415 East 111th Street (two parcels), 1457 East 112th Street, 10925 Churchill Avenue, 10930 Churchill Avenue, 10602 Lee Avenue, 10706 Lee Avenue, 10807 Orville Avenue. Received.

File No. 138-18.

January 29, 2018

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

Dear Mr. Dreyer:

You are requested, without objection of Cleveland City Council, to serve as Clerk of Council Pro Tempore for all matters requiring the Clerk's signature from January 29 through January 30, 2018.

Your assistance is appreciated.

Sincerely,
Kevin J. Kelley,
Council President

Received.

OATH OF OFFICE

File No. 136-18.
Louise Jackson, Interim Director of Community Development. Received.

**FROM OHIO DIVISION OF
LIQUOR CONTROL**

File No. 112-18.

RE: #14374151125. New License Application, D3. Chipotle Mexican Grill of Colorado LLC, Northeast Corner of Clifton Blvd. and West 117th Street (Ward 15). Received.

File No. 113-18.

RE: #1897646. Stock Application, D1 D2 D3 D3A D6. Daileys, Inc., 14222 Lorain Avenue (Ward 16). Received.

File No. 114-18.

RE: #14374151015. New License Application, D5. Chipotle Mexican Grill of Colorado LLC, 16729 Lorain Avenue (Ward 17). Received.

File No. 115-18.

RE: #1327823. Transfer of Ownership Application, D1 D2. Norma L. Castro, 2886 West 25th Street (Ward 14). Received.

File No. 116-18.

RE: #4153130. Transfer of Ownership Application, D2 D2X D3 D3A D6. Il Venetian LLC, 127 Public Square (Ward 3). Received.

File No. 139-18.

RE: #8922479. Transfer of Ownership Application, D5. Throwbacks Lorain LLC, 16612 Lorain Avenue (Ward 17). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 140-18 — Emmanuel Jackson "Boulou" Gohlstein.

Res. No. 141-18 — James F. Goggin.

Res. No. 145-18 — Glenda Stevenson.

Res. No. 146-18 — Mary Ann Daum.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 142-18 — Father Eric Orzech - "Good Joe Award".

Res. No. 143-18 — Deacon Michael Poindexter.

Res. No. 144-18 — Associate Pastor Lowell Sawyer.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 118-18.

By Council Member Basheer Jones.

An emergency ordinance designating the Patterson-Sargent Company Canned Paint Warehouse 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 the Patterson-Sargent Company Canned Paint Warehouse as a landmark; and

Whereas, the owner of the Patterson-Sargent Company Canned Paint Warehouse has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Patterson-Sargent Company Canned

Paint Warehouse 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 the Patterson-Sargent Company Canned Paint Warehouse whose street address in the City of Cleveland is 3400 Hamilton Avenue N.E., Cuyahoga County Auditor's Permanent Parcel Number is 102-13-018, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being all of Sublots Nos. 94, 95, 96, 97, 98 and part of Sublot No. 93 in Leonard Case's Subdivision of part of Original Ten Acre Lots Nos. 146 to 153 Inclusive, as shown in the recorded plat in Volume 3 of Maps, Page 31 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southeasterly line of Hamilton Avenue, N.E., at the most Westerly corner of said Sublot No. 98;

Thence Northeasterly along the Southeasterly line of Hamilton Avenue, N.E., to the most Westerly corner of land conveyed to The Cleveland and Pittsburg Railroad Company by deed dated January 31, 1912, and recorded in Volume 1381, Page 407 of Cuyahoga County Records;

Thence Southeasterly along the Southwesterly line of land so conveyed and along the Southwesterly line of The Cleveland and Pittsburg Railroad Company's Right-of-Way to the Northwesterly line of Krause Court, N.E.;

Thence Southwesterly along the Northwesterly line of Krause Court, N.E., 400 feet to the most southerly corner of said Sublot No. 98;

Thence Northwesterly along the Southwesterly line of said Sublot No. 98, 156.75 feet to the place of beginning, as appears by said plat, 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.

Ord. No. 119-18.

By Council Member Santana.

An emergency ordinance designating the Astrup Awning Company Complex 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 the Astrup Awning Company Complex as a landmark; and

Whereas, the owner of the Astrup Awning Company Complex has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Astrup Awning Company Complex 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 the Astrup Awning Company Complex whose street address in the City of Cleveland is 2937 West 25th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 008-05-001 Thru 007 inclusive, 008-05-057 Thru 061 inclusive, 008-05-107, 008-05-111, and 008-05-114, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Original Brooklyn Township Lot No. 68, and as shown by un-recorded Consolidation for The Astrup Company as approved by the Cleveland Department of Engineering and Construction on December 15, 1983, Map number A-254, being bounded and described as follows:

Beginning at the point of intersection of the Easterly line of West 25th Street (66 feet wide) (Formerly Pearl Road) and the Southerly line of Seymour Avenue S.W. (60 feet wide);

Thence Due East along said Southerly line of Seymour Avenue S.W., about 208.21 feet to a point;

Thence Due South at right angles, about 139.75 feet to a point;

Thence S 89 degrees 36' 38" E, about 185.69 feet to an I.P.;

Thence S 5 degrees 38' 9" W, about 189.89 feet to an I.P. in the Northerly line of Castle Avenue S.W. (40 feet wide) (formerly Warden Street);

Thence N 84 degrees 47' 41" W along said Northerly line of Castle Avenue S.W., about 405.85 feet to an I.P. at its intersection with said Easterly line of West 25th Street;

Thence N 5 degrees 38' 09" E along said Easterly line of West 25th Street, about 294.58 feet to the place of beginning 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.

Ord. No. 120-18.

By Council Member Kelley (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 192.57 to 192.72, relating to the collection and administration of net profit taxes.

Whereas, in House Bill (H.B.) 49 of the 132nd General Assembly, the State's general appropriations bill for the biennium, includes Section 803.100 purporting to require that municipalities, on or before January 31, 2018, adopt certain municipal income tax provisions that are also adopted within H.B. 49 to authorize State officials to collect and administer municipal net profits taxes; and

Whereas, Section 803.100 of H.B. 49 references and relies upon Section 718.04(A) of the Ohio Revised Code, which purports to make municipal income taxing authority conditional upon a municipality's adoption of code sections as dictated by the State; and

Whereas, although the municipal income tax provisions of H.B. 49, and Section 718.04(A) of the Ohio Revised Code, violate the Home Rule Amendment, the City nevertheless is compelled to adopt H.B. 49's municipal income tax provisions, on or before January 31, 2018, to avoid any doubt or taxpayer challenge as to its ability to impose a municipal income tax under the terms of Section 803.100 of H.B. 49 and Section 718.04(A) of the Ohio Revised Code; and

Whereas, the City is a party to ongoing litigation seeking a declaration that the H.B. 49 municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, and other provisions of Ohio law that usurp the powers of local self-government are unconstitutional, and to enjoin all actions by state officials to implement the H.B. 49 municipal income tax provisions; and

Whereas, the City, by enacting this Ordinance, does not concede the legality of H.B. 49's municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, or any other law that is subject to

the suit in which the City is participating, and reserves its right to continue prosecution of that lawsuit; 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 hereby expressly finds and determines that it does not concede the legality of H.B. 49's municipal income tax provisions; Section 803.100 of H.B. 49; Section 718.04(A) of the Ohio Revised Code; or any other law that is the subject of the action pending in Case Number 2017 CV 10258 in the Franklin County Court of Common Pleas, and that the City reserves its rights to continue its participation in and prosecution of said litigation, and any other litigation challenging the State's authority to dictate municipal tax collection and administration, and that adoption of this Ordinance shall not prejudice the claims of the City therein.

Section 2. That, notwithstanding Section 1 of this ordinance, the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 192.57 to 192.72 to read as follows:

Section 192.57 Filing Net Profit Taxes; Election to be Subject to Provisions of Chapter

(a) A taxpayer may elect to be subject to Sections 192.57 to 192.72 of the Codified Ordinances in lieu of the provisions set forth in the remainder of this chapter. Notwithstanding any other provision of this chapter, upon the taxpayer's election, both of the following shall apply:

(1) The state tax commissioner as defined in section 718.01 of the Revised Code shall serve as the sole administrator of the municipal net profit tax levied pursuant to this Chapter for which the taxpayer as defined in Section 192.58(c) of the Codified Ordinances is liable for the term of the election;

(2) The tax commissioner shall administer the tax pursuant to sections 718.80 to 718.95 of the Revised Code, Sections 192.57 to 192.72 of the Codified Ordinances, and any applicable provision of Chapter 5703. of the Revised Code

(b)

(1) A taxpayer shall make the initial election on or before the first day of the third month after the beginning of the taxpayer's taxable year by notifying the tax commissioner and the City, on a form prescribed by the tax commissioner.

(2)

A. The election, once made by the taxpayer, applies to the taxable year in which the election is made and to each subsequent taxable year until the taxpayer notifies the tax commissioner and the City of its termination of the election.

B. A notification of termination shall be made, on a form prescribed by the tax commissioner, on or before the first day of the third month of any taxable year.

C. Upon a timely and valid termination of the election, the taxpayer is no longer subject to Sections 192.57 to 192.72 of the Codified Ordinances, and is instead subject to the

provisions set forth in the remainder of this chapter.

(c) The tax commissioner shall enforce and administer Sections 192.57 to 192.72 of the Codified Ordinances. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

(1) Prescribe all forms necessary to administer those sections;

(2) Adopt such rules as the tax commissioner finds necessary to carry out those sections;

(3) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the tax commissioner by those sections.

(d) The tax commissioner shall not be considered a tax administrator, as that term is defined in section 718.01 of the Revised Code and Section 192.06 of the City Codified Ordinances.

Section 192.58 Definitions

If a term used in Sections 192.57 to 192.72 of the Codified Ordinances that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall have control over the use of the term in Title LVII of the Revised Code, unless the term is defined in Chapter 5703. of the Revised Code, in which case the definition in that chapter shall control. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States related to federal income taxes. If a term is defined in both this section and Section 192.06 of the Codified Ordinances, the definition in this section shall control for all uses of that term in Sections 192.58 to 192.72 of the Codified Ordinances.

As used in Sections 192.58 to 192.72 of the Codified Ordinances only:

(a) Municipal taxable income" means income apportioned or situated to the municipal corporation under Section 192.59 of the Codified Ordinances, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.

(b) Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation as described in division (D)(5) of section 718.01 of the Revised Code and Section 192.06 of the Codified Ordinances, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (b)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code.

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code.

(4)

A. Except as provided in division (b)(4)B. of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code.

B. Division (b)(4)A. of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.

(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income.

(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income.

(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.

(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (e)(3)B. of Section 192.63 of the Codified Ordinances.

(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (e)(3)B. of Section 192.63 of the Codified Ordinances.

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (uu)(2)A. of Section 192.06 of the Codified Ordinances, and is not a publicly traded partnership that has made the election described in division (w)(4)B. of Section 192.06 of the Codified Ordinances, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations.

Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (b) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(c) "Taxpayer" has the same meaning as in division (uu) of Section 192.06 of the Codified Ordinances, except that "taxpayer" does not include natural persons or entities subject to the tax imposed under Chapter 5745 of the Revised Code. "Taxpayer" may include receivers, assignees, or trustees in bankruptcy when such persons are required to assume the role of a taxpayer.

(d) "Tax return" or "return" means the notifications and reports required to be filed pursuant to Sections 192.57 to 192.72 of the Codified Ordinances for the purpose of reporting municipal income taxes, and includes declarations of estimated tax.

(e) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the calculation of the taxpayer's adjusted federal taxable income is based pursuant to this chapter. If a taxpayer's taxable year is changed for federal income tax purposes, the taxable year for purposes of Sections 192.57 to 192.72 of the Codified Ordinances is changed accordingly but may consist of an aggregation of more than one taxable year for federal income tax purposes. The tax commissioner may prescribe by rule an appropriate period as the taxable year for a taxpayer that has had a change of its taxable year for federal income tax purposes, for a taxpayer that has two or more short taxable years for federal income tax purposes as the result of a change of ownership, or for a new taxpayer that would otherwise have no taxable year.

(f) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to Section 192.67 of the Codified Ordinances.

Section 192.59 Applicability; taxable situs; apportionment

This section applies to any taxpayer that is engaged in a business or profession in the City and that has made the election under Section 192.57 of the Codified Ordinances.

(a) Except as otherwise provided in division (b) of this section, net profit from a business or profession conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 192.11 of the Codified Ordinances;

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(b)

(1) If the apportionment factors described in division (a) of this section do not fairly represent the extent of a taxpayer's business activity in the City, the taxpayer may request, or the tax commissioner may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

A. Separate accounting;

B. The exclusion of one or more of the factors;

C. The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

D. A modification of one or more of the factors.

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (a) of Section 192.67 of the Codified Ordinances.

(3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (b)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (a) of Section 192.67 of the Codified Ordinances.

(c) As used in division (a)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

- A. The employer;
- B. A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;
- C. A vendor, customer, client, or patient of a person described in division (c)(1)B. of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the tax commissioner determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (c)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the tax commissioner makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the tax commissioner's determination was unreasonable.

(d) For the purposes of division (a)(3) of this section, receipts from sales and rentals made and services performed shall be situated to the City as follows:

(1) Gross receipts from the sale of tangible personal property shall be situated to the City only if, regardless of where title passes, the property meets either of the following criteria:

A. The property is shipped to or delivered within the City from a stock of goods located within the City.

B. The property is delivered within the City from a location outside the City, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion.

(2) Gross receipts from the sale of services shall be situated to the City to the extent that such services are performed in the City.

(3) To the extent included in income, gross receipts from the sale of real property located in the City shall be situated to the City.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the City shall be situated to the City.

(5) Gross receipts from rents and royalties from tangible personal property shall be situated to the City based upon the extent to which the tangible personal property is used in the City.

(e) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the City in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City based upon the

ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(f) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under the Codified Ordinances by the City, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to the City. In no case shall a taxpayer be required to add to its net profit that was apportioned to the City any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to the City under this section.

(g) When calculating the ratios described in division (a) of this section for the purposes of that division or division (b) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

Section 192.60 Information Provided to Tax Administrators; Confidentiality

(a) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by Sections 192.57 to 192.72 of the Codified Ordinances is confidential, and no person shall disclose such information, except for official purposes, in accordance with a proper judicial order, or as provided in section 4123.271 or 5703.21 of the Revised Code. The tax commissioner may furnish the internal revenue service with copies of returns filed. This section does not prohibit the publication of statistics in a form which does not disclose information with respect to particular taxpayers.

(b) In May and November of each year, the tax commissioner shall provide the City tax administrator with the following information for every taxpayer that filed tax returns with the commissioner under Sections 192.57 to 192.72 of the Codified Ordinances and that had municipal taxable income apportionable to the City under this chapter for any prior year:

(1) The taxpayer's name, address, and federal employer identification number;

(2) The taxpayer's apportionment ratio for, and amount of municipal taxable income apportionable to, the City pursuant to Section 192.59 of the Codified Ordinances;

(3) The amount of any pre-2017 net operating loss carryforward utilized by the taxpayer;

(4) Whether the taxpayer requested that any overpayment be carried forward to a future taxable year;

(5) The amount of any credit claimed under section 718.94 of the Revised Code.

(c) Not later than thirty days after each distribution made to municipal corporations under section 718.83 of the Revised Code, the tax commissioner shall provide to the City a report stating the name and federal identification number of every taxpayer that made estimated payments that are attributable to the City and the amount of each such taxpayer's estimated payment.

(d) The information described under divisions (b) and (c) of this section shall be provided to the individual or individuals designated by the City tax administrator under section 718.84(D) of the Revised Code.

(e)

(1) The City expects that the tax commissioner will, pursuant to section 718.84(E) of the Revised Code, provide tax returns and other information it receives in the performance of its administration of the municipal net profits tax for taxpayers making the election provided in Section 192.57 of the Codified Ordinances. The tax administrator shall review these returns and information, as well as the information received pursuant to divisions (b) and (c) of this section, and has discretion to refer any taxpayer for audit by the tax commissioner. Such referral shall be made on a form prescribed by the commissioner and shall include any information that forms the basis for the referral.

(2) If the tax commissioner declines to audit a taxpayer referred by the tax administrator under this section, the City reserves its right to pursue any and all remedies, whether at law or in equity, to ensure that the correct tax liability has been calculated and paid by the taxpayer.

Section 192.61 Filing of Annual Return; Remittance; Disposition of Funds

(a)

(1) For each taxable year, every taxpayer shall file an annual return. Such return, along with the amount of tax shown to be due on the return less the amount paid for the taxable year under Section 192.65 of the Codified Ordinances, shall be submitted to the tax commissioner, on a form and in the manner prescribed by the commissioner, on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year.

(2) If a taxpayer has multiple taxable years ending within one calendar year, the taxpayer shall aggregate the facts and figures necessary to compute the tax due under this chapter, in accordance with Sections 192.58, 192.59, and, if applicable, 192.63 of the Codified Ordinances onto its annual return.

(3) The remittance shall be made payable to the treasurer of state and in the form prescribed by the tax commissioner. If the amount payable with the tax return is ten dollars or less, no remittance is required.

(b) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner received pursuant to sections 718.80 to 718.95 of the Revised Code. The treasurer shall credit ninety-nine and one-half per cent of such amounts to the municipal income tax fund and the remainder to the

municipal income tax administrative fund established under section 5745.03 of the Revised Code.

(c)

(1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury.

(2)

A. The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed with the commissioner under Sections 192.57 to 192.72 of the Codified Ordinances, copies of any relevant documents or other information.

B. A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(d)

(1)

A. Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates.

B. A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the commissioner receives the request on or before the date the municipal income tax return is due, the commissioner shall grant the taxpayer's extension request.

C. An extension of time to file under division (d)(1) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date.

(2) If the commissioner considers it necessary in order to ensure payment of a tax imposed in accordance with Section 192.03 of the Codified Ordinances, the commissioner may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(e) Each return required to be filed in accordance with this section

shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the tax commissioner about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the commissioner to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the commissioner with information that is missing from the return, to contact the commissioner for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the commissioner and has shown to the preparer or other person.

(f) When income tax returns or other documents require the signature of a tax return preparer, the tax commissioner shall accept a facsimile or electronic version of such a signature in lieu of a manual signature.

Section 192.62 Electronic Filing

(a) All taxpayers that have made the election allowed under Section 192.57 of the Codified Ordinances shall file any tax return or extension for filing a tax return, and shall make payment of amounts shown to be due on such returns, electronically, either through the Ohio business gateway or in another manner as prescribed by the tax commissioner.

(b) A taxpayer may apply to the commissioner, on a form prescribed by the commissioner, to be excused from the requirement to file returns and make payments electronically. For good cause shown, the commissioner may excuse the applicant from the requirement and permit the applicant to file the returns or make the payments by nonelectronic means.

(c) The tax commissioner may adopt rules establishing the following:

(1) The format of documents to be used by taxpayers to file returns and make payments by electronic means;

(2) The information taxpayers must submit when filing tax returns by electronic means.

Section 192.63 Consolidated Returns

(a) As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to section 1501 of the Internal Revenue Code.

(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (a)(1) of this section.

(4) "Incumbent local exchange carrier" has the same meaning as in section 4927.01 of the Revised Code.

(5) "Local exchange telephone service" has the same meaning as in section 5727.01 of the Revised Code.

(b)

(1) A taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated tax return for a taxable year if at least one member of the affiliated group of corporations is subject to municipal income tax levied pursuant to this Chapter in that taxable year and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated tax returns under division (b)(2) of this section or a taxpayer receives permission from the tax commissioner. The tax commissioner shall approve such a request for good cause shown.

(2) An election to discontinue filing consolidated tax returns under this section must be made on or before the fifteenth day of the fourth month of the year following the last year of a five-year consolidated tax return election period in effect under division (b)(1) of this section. The election to discontinue filing a consolidated tax return is binding for a five-year period beginning with the first taxable year of the election.

(3) An election made under division (b)(1) or (2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

(4) When a taxpayer makes the election allowed under Section 192.57 of the Codified Ordinances, a valid election made by the taxpayer under division (b)(1) or (2) of Section 192.15 of the Codified Ordinances is binding upon the tax commissioner for the remainder of the five-year period.

(5) When an election made under Section 192.57 of the Codified Ordinances is terminated, a valid election made under this section is binding upon the tax administrator for the remainder of the five-year period.

(c) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated tax return for that taxable year if the tax commissioner determines, by a preponderance of the evidence, that

intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to a municipal corporation. A taxpayer that is required to file a consolidated tax return for a taxable year shall file a consolidated tax return for all subsequent taxable years unless the taxpayer requests and receives written permission from the commissioner to file a separate return or a taxpayer has experienced a change in circumstances.

(d) A taxpayer shall prepare a consolidated tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(e)

(1) Except as otherwise provided in divisions (e)(2), (3), and (4) of this section, corporations that file a consolidated tax return shall compute adjusted federal taxable income, as defined in Section 192.58 of the Codified Ordinances, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporations" for "a C corporation" wherever "a C corporation" appears in that division.

(2) No corporation filing a consolidated tax return shall make any adjustment otherwise required under division (b) of Section 192.58 of the Codified Ordinances to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

A. Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in Section 192.59 of the Codified Ordinances, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

B. Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations

required in Section 192.59 of the Codified Ordinances, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(4) If the net profit or loss of a pass-through entity having less than eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

A. The corporation filing the consolidated tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in Section 192.59 of the Codified Ordinances, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation;

B. The pass-through entity shall be subject to municipal income taxation as a separate taxpayer in accordance with Sections 192.57 to 192.72 of the Codified Ordinances on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(f) Corporations filing a consolidated tax return shall make the computations required under Section 192.59 of the Codified Ordinances by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

(g) Each corporation filing a consolidated tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts applicable under Section 192.57 to 192.72 of the Codified Ordinances or Chapter 5703, of the Revised Code to the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

Section 192.64 Failure to Pay Tax

If a taxpayer that has made the election allowed under Section 192.57 of the Codified Ordinances fails to pay any tax as required under Sections 192.57 to 192.72 of the Codified Ordinances, or any portion of that tax, on or before the date prescribed for its payment, interest shall be assessed, collected, and paid, in the same manner as the tax, upon such unpaid amount at the rate per annum prescribed by section 5703.47 of the Revised Code from the date prescribed for its payment until it is paid or until the date an assessment is issued under Section 192.67 of the Codified Ordinances, whichever occurs first.

Section 192.65 Declaration of Estimated Taxes

(a) As used in this section:

(1) "Combined tax liability" means the total amount of a taxpayer's income tax liabilities to all municipal corporations in this state for a taxable year.

(2) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's combined tax liability for the current taxable year.

(b)

(1) Except as provided in division (b)(4) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax commissioner, if the amount payable as estimated taxes is at least two hundred dollars.

(2) Except as provided in division (b)(4) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner.

(3) The declaration of estimated taxes shall be filed on or before the fifteenth day of the fourth month after the beginning of the taxable year or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(c) Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (c)(1) of this section. Remitted taxes shall be made payable to the treasurer of state.

(1) The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows:

A. On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the combined tax liability for the taxable year;

B. On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the combined tax liability for the taxable year;

C. On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the combined tax liability for the taxable year;

D. On or before the fifteenth day of the twelfth month of the taxable year, ninety per cent of the combined tax liability for the taxable year.

(2) If the taxpayer determines that its declaration of estimated taxes will not accurately reflect the taxpayer's tax liability for the taxable year, the taxpayer shall increase or decrease, as appropriate, its subsequent payments in equal installments to result in a more accurate payment of estimated taxes.

(3)

A. Each taxpayer shall report on the declaration of estimated taxes the portion of the remittance that

the taxpayer estimates that it owes to each municipal corporation for the taxable year.

B. Upon receiving a payment of estimated taxes under this section, the commissioner shall immediately forward the payment to the treasurer of state. The treasurer shall credit the payment in the same manner as in division (B) of section 718.85 of the Revised Code.

(d)

(1) In the case of any underpayment of estimated taxes, there shall be added to the taxes an amount determined at the rate per annum prescribed by section 5703.47 of the Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (e) of this section. The amount of the underpayment shall be determined as follows:

A. For the first payment of estimated taxes each year, twenty-two and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

B. For the second payment of estimated taxes each year, forty-five per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

C. For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

D. For the fourth payment of estimated taxes each year, ninety per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently due.

(3) All amounts collected under this section shall be considered as taxes collected under Sections 192.57 to 192.72 of the Codified Ordinances and shall be credited and distributed to municipal corporations in accordance with section 718.83 of the Revised Code.

(e) An underpayment of any portion of a combined tax liability shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety per cent of the combined tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a

period of twelve months and the taxpayer filed a municipal income tax return for that year.

Section 192.66 Additional Penalties

(a) In addition to any other penalty imposed by Sections 192.57 to 192.72 of the Codified Ordinances or Chapter 5703. of the Revised Code, the following penalties shall apply:

(1) If a taxpayer required to file a tax return under Sections 192.57 to 192.72 of the Codified Ordinances fails to make and file the return within the time prescribed, including any extensions of time granted by the tax commissioner, the commissioner may impose a penalty not exceeding twenty-five dollars per month or fraction of a month, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which the return is filed. The aggregate penalty, per instance, under this division shall not exceed one hundred fifty dollars.

(2) If a person required to file a tax return electronically under Sections 192.57 to 192.72 of the Codified Ordinances fails to do so, the commissioner may impose a penalty not to exceed the following:

A. For each of the first two failures, five per cent of the amount required to be reported on the return;

B. For the third and any subsequent failure, ten per cent of the amount required to be reported on the return.

(3) If a taxpayer that has made the election allowed under Section 192.57 of the Codified Ordinances fails to timely pay an amount of tax required to be paid under this chapter, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid.

(4) If a taxpayer files what purports to be a tax return required by Sections 192.57 to 192.72 of the Codified Ordinances that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of Sections 192.57 to 192.72 of the Codified Ordinances, a penalty of up to five hundred dollars may be imposed.

(5) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under Sections 192.57 to 192.72 of the Codified Ordinances, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return.

(6) If any person makes a false or fraudulent claim for a refund under Section 192.68 of the Codified Ordinances, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under Section 192.67 of the Codified Ordinances without regard to any time limitation for the assessment

imposed by division (a) of that section.

(b) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return.

(c) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties.

(d) All amounts collected under this section shall be considered as taxes collected under Sections 192.57 to 192.72 of the Codified Ordinances and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under section 718.83 of the Revised Code.

Section 192.67 Assessments Against Taxpayer

(a) If any taxpayer required to file a return under Sections 192.57 to 192.72 of the Codified Ordinances fails to file the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the return or tax is due, based upon any information in the commissioner's possession.

The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the date the return subject to assessment was required to be filed or the date the return was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in Section 192.68 of the Codified Ordinances for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a return subject to assessment as required by Sections 192.57 to 192.72 of the Codified Ordinances, or that files a fraudulent return. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(b) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has

been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(c) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(d) All money collected under this section shall be credited to the municipal income tax fund and distributed to the municipal corporation to which the money is owed based on the assessment issued under this section.

(e) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (c) of this section. Notice of the jeopardy assessment shall be served on the taxpayer assessed or the taxpayer's legal representative in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (b) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the

assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(f) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by Section 192.68 of the Codified Ordinances, with interest on that amount as provided by that section.

Section 192.68 Refund Applications

(a) An application to refund to a taxpayer the amount of taxes paid on any illegal, erroneous, or excessive payment of tax under Sections 192.57 to 192.72 of the Codified Ordinances, including assessments, shall be filed with the tax commissioner within three years after the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (a) of Section 192.67 of the Codified Ordinances. The application shall be filed in the form prescribed by the tax commissioner.

(b)

(1) On the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. The amount determined shall be based on the amount overpaid per return or assessment. If the amount is greater than ten dollars and not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the tax refund fund created in section 5703.052 of the Revised Code. If the amount is greater than ten dollars but less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(2) Upon issuance of a refund under this section, the commissioner shall notify each municipal corporation of the amount refunded to the taxpayer attributable to that municipal corporation, which shall be deducted from the municipal corporation's next distribution under section 718.83 of the Revised Code.

(c) Any portion of a refund determined under division (B) of this section that is not issued within ninety days after such determination shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the ninety-first day after such determination until the day the refund is paid or credited. On an illegal or erroneous assessment, interest shall be paid at that rate from the date of payment on the illegal or erroneous assessment until the day the refund is paid or credited.

Section 192.69 Amended Returns

(a) If any of the facts, figures, computations, or attachments required in an annual return filed by a taxpayer that has made the election allowed under Section 192.57 of the Codified Ordinances and used to determine the tax due under Sections 192.57 to 192.72 of the Codified Ordinances must be altered as the result of an adjustment to the taxpayer's federal income tax return, whether initiated by the taxpayer or the internal revenue service, and such alteration affects the taxpayer's tax liability under those sections, the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The amended return shall be filed not later than sixty days after the adjustment is agreed upon or finally determined for federal income tax purposes or after any federal income tax deficiency or refund, or the abatement or credit resulting therefrom, has been assessed or paid, whichever occurs first. If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the commissioner before filing the amended return.

(b) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due together with any penalty and interest thereon. An amended return required by this section is a return subject to assessment under Section 192.67 of the Codified Ordinances for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. The amended return shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal tax return.

(c) In the case of an overpayment, an application for refund may be filed under this division within the sixty-day period prescribed for filing the amended return, even if that period extends beyond the period prescribed in Section 192.68 of the Codified Ordinances, if the application otherwise conforms to the requirements of that section. An application filed under this division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return unless it is also filed within the time prescribed in Section 192.68 of the Codified Ordinances. The application shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return.

Section 192.70 Examination of Records and Other Documents and Persons

(a) The tax commissioner, or any authorized agent or employee thereof, may examine the books, papers,

records, and federal and state income tax returns of any taxpayer or other person that is subject to Sections 192.57 to 192.72 of the Codified Ordinances for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due as required under those sections. Upon written request by the commissioner or a duly authorized agent or employee thereof, every taxpayer or other person subject to this section is required to furnish the opportunity for the commissioner, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(b) The records and other documents of any taxpayer or other person that is subject to Sections 192.57 to 192.72 of the Codified Ordinances shall be open to the tax commissioner's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The commissioner may require any person, by notice served on that person, to keep such records as the commissioner determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by a municipal corporation.

(c) The tax commissioner may examine under oath any person that the commissioner reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The commissioner may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(d) No person issued written notice by the tax commissioner compelling attendance at a hearing or examination or the production of books, papers, records, or federal income tax returns under this section shall fail to comply.

Section 192.71 Credits

(a) A credit, granted by resolution or ordinance of the City pursuant to Section 192.16 or 192.17 of the Codified Ordinances, shall be available to a taxpayer that has made the election allowed under Section 192.57 of the Codified Ordinances, against the municipal corporation's tax on income. A municipal corporation shall submit the following information to the tax commissioner on or before the later of January 31, 2018, or the thirty-first day of January of the first year in which the taxpayer is eligible to receive the credit:

(1) A copy of the agreement entered into by the City and taxpayer under Section 192.16 or 192.17 of the Codified Ordinances;

(2) A copy of the ordinance or resolution authorizing the agreement entered into between the City and the taxpayer.

(b)

(1) Each taxpayer that claims a credit shall submit, with the taxpayer's tax return, documentation issued by the City granting the credit that confirms the eligibility of the taxpayer for the credit, the amount of the credit for which the taxpayer is eligible, and the tax year to which the credit is to be applied.

(2) Such documentation shall be provided in the form prescribed by the tax commissioner.

(3) Nothing in this section shall be construed to authorize the tax commissioner to enter into an agreement with a taxpayer to grant a credit, to determine if a taxpayer meets the conditions of a tax credit agreement entered into by the City and taxpayer under Section 192.16 or 192.17 of the Codified Ordinances, or to modify the terms or conditions of any such existing agreement.

Section 192.72 Reckless Violations; Penalties

(a) Whoever recklessly violates division (a) of Section 192.60 of the Codified Ordinances shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both.

(b) Each instance of access or disclosure in violation of division (a) of Section 192.60 of the Codified Ordinances constitutes a separate offense.

(c) These specific penalties shall not be construed to prevent the City from prosecuting any and all other offenses that may apply.

Section 3. That if any provision of the H.B. 49 municipal income tax provisions is found unconstitutional, or the effectiveness of any provision of HB 49 is stayed or enjoined, that the provisions adopted in Section 2 of this ordinance shall likewise be stayed or ineffective.

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

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

Ord. No. 121-18.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into one or more contracts with Court Community Service to arrange placement and supervision of persons to community service assignments and to the Cleveland work Crew Program, both as referred by the Court, for the Cleveland Municipal Court, each for a period of one year.

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

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

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with Court Community Service to arrange placement and supervision of persons referred by the Court to community service assignments for a period of one year, commencing January 1, 2018. The cost of the contract shall not exceed \$270,000.

Section 2. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with Court Community Service to arrange community service for persons the Court refers to the Cleveland Work Crew Program for a period of one year, commencing January 1, 2018. The cost of the contract shall not exceed \$99,600.

Section 3. The cost of the contracts shall be paid from Fund No. 01-0115-6320, RQS 0115, RL 2018-12.

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

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

Ord. No. 122-18.

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

An emergency ordinance to amend Section 135.52 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1649-92, passed October 5, 1992, relating to the rental of site and purchase of refreshments and mementos for Safety Programs.

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 135.52 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1649-92, passed October 5, 1992, is amended to read as follows:

Section 135.52 Rental of Site and Purchase of Refreshments and Mementos for Safety Programs and Events

(a) The Director of Public Safety shall have the authority to expend funds in order to provide refreshments, mementos and, if necessary, to rent a site for the following:

(1) Training evaluation meetings held by members of the Department of Public Safety to review Safety programs in progress and discuss new programs;

(2) Events honoring employees for volunteer and work-related achievements, including but not limited to, an annual employees' service award program; and

(3) Events honoring citizens for volunteer and community service achievements;

(4) **Emergency operations for civil disturbance or special events requiring Division wide call-up; and**

(5) Community outreach events and education programs sponsored by the Department of Public Safety.

(b) The total amount of funds expended for all of the above programs shall not exceed ~~three fifty thousand dollars (\$3,000.00)~~ **(\$50,000)** per year.

Section 2. That existing Section 135.52 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1649-92, passed October 5, 1992, is repealed.

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

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

Ord. No. 123-18.

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

An emergency ordinance to amend the title and Section 6 of Ordinance No. 543-16, passed June 6, 2016, relating to applying for and accepting a grant from Substance Abuse and Mental Health Services Administration, Center for Mental Health Services and Center for Substance Abuse Treatment for the Cooperative Agreements to Benefit Homeless Individuals Program.

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

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

Section 1. That the title and Section 6 of Ordinance No. 543-16, passed June 6, 2016, are amended to read as follows:

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment for the Cooperative Agreements to Benefit Homeless Individuals Program; and authorizing the Director to enter into one or more contracts with FrontLine Service, **Front Steps Housing & Services, Inc. for a term commencing January 1, 2018, and other entities,** to implement the grant.

Section 6. That the Director of Public Health is authorized to enter into one or more contracts with or make payments to FrontLine Service, **a contract with Front Steps Housing & Services, Inc. for a term commencing January 1, 2018, and one or more additional contracts with either of them or with other entities,** to implement the grant as described in the file.

Section 2. That the existing title and Section 6 of Ordinance No. 543-16, passed June 6, 2016, are repealed.

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

from and after the earliest period allowed by law.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 124-18.

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

An emergency ordinance authorizing the Director of Building and Housing to apply for and accept a grant from Environmental Health Watch for the Build Health Challenge 2.0 Program; and authorizing the Director of Building and Housing and/or Public Health to enter into one or more contracts and memoranda of understanding needed 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 Building and Housing is authorized to apply for and accept a grant in the approximate amount of \$20,000, and any other funds that may become available during the grant term from Environmental Health Watch to conduct the Build Health Challenge 2.0 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 summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 124-18-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 Building and Housing 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 providing Accela database configuration support and expansion of data sharing capacity.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Building and Housing from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Building and Housing 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 Building and Housing, and certified by the Director of Finance.

Section 4. That under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Building and Housing 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 5. That the Director of Building and Housing and/or the Director of Public Health is authorized to enter into one or more contracts with Case Poverty Center and other entities needed to implement the grant as described in the file, including but not limited to, a memorandum of understanding with Environmental Health Watch.

Section 6. That the cost of the contracts authorized in this ordinance shall be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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.

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

FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED

Ord. No. 117-18.

By Council Member Cleveland. An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Burten, Bell, Carr Development Inc. for the Holiday Food Gift Card Program through the use of Ward 5 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 an agreement effective November 1, 2017 with Burten, Bell, Carr Development Inc., for the Holiday Food Gift Card Program for the public purpose of providing food gift cards to low/moderate income residents residing in the city of Cleveland through the use of Ward 5 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$7,000 and shall be paid from Fund No. 10 SF 188.

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 125-18.

By Council Member Kazy.

An emergency resolution objecting to the transfer of stock of a D1, D2, D3, D3A and D6 Liquor Permit to 14222 Lorain Avenue, 1st floor and basement.

Whereas, Council has been notified by the Division of Liquor Control of an application for a transfer of stock of a D1, D2, D3, D3A and D6 Liquor Permit at Dailey's Inc., 14222 Lorain Avenue, 1st floor and basement, Cleveland, Ohio 44111, Permanent Number 1897646; 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 transfer of stock of a D1, D2, D3, D3A and D6 Liquor Permit at Dailey's Inc., 14222 Lorain Avenue, 1st floor and basement, Cleveland, Ohio 44111, Permanent Number 1897646, 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 126-18.

By Council Member Santana.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 2704 Clark Avenue and repealing Resolution No. 978-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #1781, 2704 Clark Avenue, Cleveland, Ohio 44109, Permanent Number 26312750200 by Resolution No. 978-17 adopted by the Council on August 16, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #1781, 2704 Clark Avenue, Cleveland, Ohio 44109, Permanent Number 26312750200, be and the same is hereby withdrawn and Resolution No. 978-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 127-18.

By Council Member Kazy.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 4576 West 130th Street and repealing Resolution No. 1062-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #10245, 4576 West 130th Street, Cleveland, Ohio 44135,

Permanent Number 26312750350 by Resolution No. 1072-17 adopted by the Council on September 18, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #10245, 4576 West 130th Street, Cleveland, Ohio 44135, Permanent Number 26312750350, be and the same is hereby withdrawn and Resolution No. 1062-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 128-18.

By Council Member McCormack.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 6513 Clark Avenue and repealing Resolution No. 1387-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #11537, 6513 Clark Avenue, Cleveland, Ohio 44102, Permanent Number 26312750770 by Resolution No. 1387-17 adopted by the Council on November 13, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #11537, 6513 Clark Avenue, Cleveland, Ohio 44102, Permanent Number 26312750770, be and the same is hereby withdrawn and Resolution No. 1387-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Res. No. 129-18.

By Council Member Hairston.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 7300 St. Clair Avenue and repealing Resolution No. 1285-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #7166, 7300 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 26312750505 by Resolution No. 1285-17 adopted by the Council on October 23, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #7166, 7300 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 26312750505, be and the same is hereby withdrawn and Resolution No. 1285-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 130-18.

By Council Member Zone.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 7301 Detroit Avenue and repealing Resolution No. 1061-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #5559, 7301 Detroit Avenue, Cleveland, Ohio 44102, Permanent Number 26312750330 by Resolution No. 1061-17 adopted by the Council on September 18, 2017; and

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

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

a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #5559, 7301 Detroit Avenue, Cleveland, Ohio 44102, Permanent Number 26312750330, be and the same is hereby withdrawn and Resolution No. 1061-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 131-18.

By Council Member Griffin.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 7965 Euclid Avenue and repealing Resolution No. 13-18, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #8465, 7965 Euclid Avenue, Cleveland, Ohio 44103, Permanent Number 26312750800 by Resolution No. 13-18 adopted by the Council on January 8, 2018; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #8465, 7965 Euclid Avenue, Cleveland, Ohio 44103, Permanent Number 26312750800, be and the same is hereby withdrawn and Resolution No. 13-18, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 132-18.

By Council Member Bishop.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 9302 Miles Avenue and repealing Resolution No. 972-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #5778, 9302 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 26312750205 by Resolution No. 972-17 adopted by the Council on August 16, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #5778, 9302 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 26312750205, be and the same is hereby withdrawn and Resolution No. 972-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 133-18.

By Council Member Johnson.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 11511 Kinsman Road and repealing Resolution No. 1183-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #8938, 11511 Kinsman Road, Cleveland, Ohio 44104, Permanent Number 26312750685 by Resolution No. 1183-17 adopted by the Council on October 2, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #8938, 11511 Kinsman Road, Cleveland, Ohio 44104, Permanent Number 26312750685, be and the same is hereby withdrawn and Resolution No. 1183-17, containing such

objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 134-18.

By Council Member Kazy.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 14035 Puritas Avenue and repealing Resolution No. 51-18, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #2371, 14035 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 26312750795 by Resolution No. 51-18 adopted by the Council on January 8, 2018; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #2371, 14035 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 26312750795, be and the same is hereby withdrawn and Resolution No. 51-18, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 135-18.

By Council Member Polensek.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 16122 Lake Shore Boulevard and repealing Resolution No. 1050-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #6254, 16122 Lake

Shore Boulevard, Cleveland, Ohio 44110, Permanent Number 26312750345 by Resolution No. 1050-17 adopted by the Council on September 18, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar, #6254, 16122 Lake Shore Boulevard, Cleveland, Ohio 44110, Permanent Number 26312750345, be and the same is hereby withdrawn and Resolution No. 1050-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1451-17.

By Council Member Conwell.

An emergency ordinance designating Apostolic Faith Tabernacle Church (Knesseth Israel Synagogue) as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

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

Ord. No. 1456-17.

By Council Member Conwell.

An emergency ordinance designating Greater Abyssinia Baptist Church as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

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

Ord. No. 1458-17.

By Council Member Dow.

An emergency ordinance designating the Kausek Brothers Building as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

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

Ord. No. 16-18.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Public Defender Commission for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland that may result in incarceration, for the Cleveland Municipal Court for a period of one year, with one option to renew for an additional year, exercisable by the Director of Finance, when amended, as follows:

1. In Section 3, lines 1 and 2, strike "funds approved by the Director of Finance" and insert "**Fund No. 01-0115-6320, RQS 0115, RL 2018-11.**"

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

Amendment agreed to.

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

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

Ord. No. 81-18.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to exercise the first option to renew Contract No. CT 9998 PS 2016-296 with JJJ Communications LLC to provide professional services necessary for the development, support, and management of communication and media strategies, and related services.

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

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

SECOND READING ORDINANCE PASSED

Ord. No. 1361-17.

By Council Member Kazy.

An ordinance changing the Use, Area and Height District of parcels along the southerly side of Lorain Ave between West 138th Street and West 139th Street, including two parcels west of West 139th Street as identified on the attached map (Map Change No. 2576).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

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

MOTION

On the motion of Council Member Bishop, the absence of Council Member Phyllis E. Cleveland is hereby authorized. Seconded by Council Member Brady.

MOTION

The Council Meeting adjourned at 7:20 p.m. to meet on Monday, February 5, 2018, at 7:00 p.m. in the Council Chamber.



Allan Dreyer
Deputy Clerk
Clerk of Council Pro Tempore

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 24, 2018

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 24, 2018 at 10:35 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director Jackson, Director West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Absent: Mayor Jackson.

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

Melissa Burrows, Director, Office of Equal Opportunity.

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

Resolution No. 12-18.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Binkowsky-Dougherty Distribution for an estimated quantity of lumber materials, equipment and supplies, all items, for the various divisions, Department of Finance, for a period of one year starting upon the later of the execution of a contract or the day following expiration of the currently effective contract, with an option to renew for one additional year exercisable by the Director of Finance for the goods or services, received on January 17, 2018, under the authority of Ordinance No. 108-17, passed February 13, 2017, which on the basis of the estimated quantity would amount to \$257,977.33 (1% net 10 days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, for the specified items.

The requirement contract shall further provide that the Contractor shall furnish the City's requirements for such goods and/or services, whether more or less than the estimated quantity, as may be ordered under more or less than the estimated quantity, as may be ordered

under delivery orders separately certified to the contract.

Yeas: Directors Langhenry, Dumas, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director Jackson, Director West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 13-18.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 129.294 of the Codified Ordinances of Cleveland Ohio, 1976, CDM Smith Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide professional consulting services for General Engineering Services X, and other services including, but not limited to, engineering design, preparing feasibility studies and engineering analyses, plan review, planning, construction monitoring and inspection, environmental site assessment, identification of surface and sub-surface conditions, preparation of reports for regulatory agencies, specialized technical assistance, water quality, and other related professional consulting services, on an as needed basis, for a period of two years, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with CDM Smith Inc. based upon its proposal dated September 1, 2017, which contract shall be prepared by the Director of Law, shall provide that the compensation for the professional services described in the proposal shall not exceed \$2,000,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by CDM Smith Inc. for the above-mentioned professional services is approved:

<u>SUB-CONSULTANTS</u>	<u>WORK PERCENTAGE</u>
CT Consultants, Inc. (CSB)	\$400,000.00 20.00%
Metco of Ohio, Inc. (CSB)	\$ 60,000.00 3.00%
Somat Engineering of Ohio, Inc. (CSB)	\$100,000.00 5.00%
Algebra AEC (Non-Certified)	\$ 60,000.00 0.00%
Mackey Engineering and Survey (CSB)	\$ 80,000.00 4.00%
Corrpro Co., Inc. (Non-Certified)	\$ 12,240.00 0.00%

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 14-18.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 129.294 of the Codified Ordinances of Cleveland Ohio, 1976, DLZ Ohio, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide professional consulting services for General Engineering Services X, and other services including, but not limited to, engineering design, preparing feasibility studies and engineering analyses, plan review, planning, construction monitoring and inspection, environmental site assessment, identification of surface and sub-surface conditions, preparation of reports for regulatory agencies, specialized technical assistance, water quality, and other related professional consulting services, on an as needed basis, for a period of two years, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with DLZ Ohio, Inc. based upon its proposal dated September 1, 2017, which contract shall be prepared by the Director of Law, shall provide that the compensation for the professional services described in the proposal shall not exceed \$2,000,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by DLZ Ohio, Inc. for the above-mentioned professional services is approved:

<u>SUB-CONSULTANTS</u>	<u>WORK PERCENTAGE</u>
Osborn Engineering (CSB)	\$200,000.00 10.00%
R2O Consulting, LLC (CSB)	\$100,000.00 5.00%
CH2M Hill Engineers, Inc. (Non-Certified)	\$600,000.00 0.00%
T&M Associates (Non-Certified)	\$100,000.00 0.00%
World International Testing, Inc. (Non-Certified)	\$ 50,000.00 0.00%

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 15-18.

By Director Davis.

Whereas, Board of Control Resolution No. 001-18, adopted January 10, 2018, resolved that Resolution No.

597-17, adopted by this Board November 29, 2017, approving the bid of Chemtrade Chemicals Corporation dba Chemtrade Chemicals US LLC as the lowest and best for an estimated quantity of powdered activated carbon, all items, was amended by substituting "Chemtrade Chemicals US LLC" for "Chemtrade Chemicals Corporation dba Chemtrade Chemicals US LLC", where appearing; and

Whereas, the resolution number and the commodity description were incorrect; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 001-18, adopted by this Board January 10, 2018 is amended by substituting "602-17" for "597-17" and substituting "liquid alum coagulant, item 1" for "powdered activated carbon, all items", where appearing.

Be it further resolved that all other terms of Resolutions No. 602-17 and 001-18 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 16-18.

By Director Davis.

Whereas, under the authority of Ordinance No. 1340-13, passed by the Council of the City of Cleveland on November 11, 2013, and Resolutions Nos. 017-15, 079-15, 323-15, 380-16, and 488-17 respectively adopted by this Board of Control on January 21, 2015, March 18, 2015, August 26, 2015, August 24, 2016, and September 27, 2017, the City, through its Director of Public Utilities, entered into City Contract No. RC2015-23 with Energy Mechanical Corp. for labor and materials to provide maintenance, repair, enhancement and/or replacement of heating, ventilation and air conditioning systems, bid items 1.01-1.06, 1.08 and 1.09, for a period of two years, with two one-year options to renew, for the various divisions of the Department of Public Utilities; and

Whereas, by its January 10, 2018 letter, Energy Mechanical Corp. requested the City's consent for one additional subcontractor; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractor by Energy Mechanical Corp. under RC2015-23 is approved:

Subcontractor	Work Percentage
Gardiner Service Co. LLC dba Gardiner (non-certified)	\$50,000.00 0.000%

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 17-18.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of RGT Services, LLC dba The Fowler Company for an estimated quantity of Labor and Materials Necessary to Repair and Maintain Decorative and Special Lighting on Bridges Re-bid, Item #5, items 5A-1 thru 5A-3, 5A-5 thru 5A-6, 5B-1 thru 5B-2, 5B-4 thru 5B-6, 5C-1 thru 5C-3, 5C-5 thru 5C-6, 5D-1 thru 5D-3, 5D-5 thru 5D-6, 5E-1 thru 5E-3, 5E-5 thru 5E-6, 5F-1 thru 5F-3, 5F-5 thru 5F-6, 5G-1 thru 5G-2, 5G-4 thru 5G-5, 5H-1 thru 5H-2, 5H-4 thru 5H-5, 5I-1 thru 5I-3, 5I-5 thru 5I-6, 5J-1 thru 5J-3, 5J-5 thru 5J-6, 5K-1 thru 5K-3, 5K-5 thru 5K-6, 5L-1 thru 5L-3, 5L-5 thru 5L-6, 5M-1 thru 5M-2, 5M-4 thru 5M-5, 5N-1 thru 5N-2, 5N-4 thru 5N-5, 5O-1 thru 5O-3, 5O-5 thru 5O-6, 5P-1 thru 5P-3, 5P-5 thru 5P-6, 5Q-1 thru 5Q-3, 5Q-5 thru 5Q-6, 5R-1 thru 5R-3, 5R-5 thru 5R-6, 5S-1 thru 5S-2, 5S-4 thru 5S-5, 5T-1 thru 5T-2, 5T-4 thru 5T-5, 5U-1 thru 5U-3, 5U-5 thru 5U-6, 5V-1 thru 5V-3, 5V-5 thru 5V-6, 5W-1 thru 5W-3, 5W-5 thru 5W-6, 5X (all items), 5Y (all items), 5Z (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 (2) one-year options to renew, received on October 20, 2017, under the authority of Ordinance No. 1277-16, passed November 28, 2016, which on the basis of the estimated quantity would amount to \$75,263.00, 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 Jackson, Director West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 18-18.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Nerone and Sons, Inc. for the public improvement of Morgan Improvements - A, including a \$131,700.00 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on November 3, 2017, under the authority of Ordinance No. 1406-15, passed November 30, 2015, upon a unit basis for the improvement in the aggregate amount of \$1,448,700.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

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

SUBCONTRACTORS	WORK PERCENTAGE
CK Insulation LLC (CSB)	\$ 4,600.00 0.3%
Construction Support Solutions (FBE)	\$12,900.00 0.9%
Timeline Photography (CSB)	\$ 8,650.00 0.6%
Summit Painting (FBE)	\$33,500.00 2.3%
Tech Ready Mix (MBE)	\$57,000.00 3.9%
Coleman Spohn (MBE)	\$90,000.00 6.2%
Cunningham Paving (CSB)	\$45,500.00 3.1%
VIP Electric (FBE)	\$34,000.00 2.3%
Chagrin Valley Steel (FBE)	\$17,500.00 1.2%
Marra Services (CSB)	\$36,000.00 2.5%

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

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 19-18.

By Director Kennedy.

Whereas, under the authority of Section 571.85 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to fix fees for parking aircraft on City-owned and operated ramp areas at Cleveland Hopkins International Airport; and Burke Lakefront Airport in the amounts as the Director deems appropriate, and as approved by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that under the authority of Section 571.85 of the Codified Ordinances of Cleveland, Ohio 1976, the following fees fixed by the Director of Port Control for parking aircraft at non-leased, City-owned and operated ramp areas adjacent to the terminal building at Cleveland Hopkins International Airport are set and approved:

Public Aircraft:	No Charge
Private Aircraft,	
Commercial Aircraft,	
Corporate Aircraft,	
Scheduled Air Carrier Aircraft,	
and Private Aircraft transporting persons for business purposes:	\$100.00

Be it further resolved by the Board of Control of the City of Cleveland, that under the authority of Section 139.051 of the Codified Ordinances of Cleveland, Ohio, 1976, the following landing fees at Burke Lakefront Airport, as fixed by the Commissioner of Airports, are approved:

Public Aircraft:	No Charge
Private Aircraft, Commercial Aircraft, Corporate Aircraft, Scheduled Air Carrier Aircraft, and Private Aircraft transporting persons for business purposes	
Single Engine Aircraft:	\$7.00
Helicopters:	\$5.00
Multi-Engine Aircraft by Gross Weight as follows:	
0 - 5,000 lbs.	Up to \$7.00
5,001 - 10,000 lbs.	Up to \$10.00
10,001 - 12,500 lbs.	Up to \$12.00
12,501 - 97,999 lbs.	Up to \$1.50 per 1,000 lbs. gross wt.
98,000 lbs. and over	Up to \$2.00 per 1,000 lbs. gross wt.

Be it further resolved that under the authority of Section 571.85 of the Codified Ordinances of Cleveland, Ohio, 1976, the following fees fixed by the Director of Port Control for parking aircraft on City-owned and operated ramp areas at Burke Lakefront Airport are set and approved:

DAILY PARKING/TIE-DOWN FEES ON DESIGNATED CITY RAMPS

Public Aircraft and Mercy Flights No Charge
 Private Aircraft, Commercial Aircraft, Corporate Aircraft, Scheduled Air Carrier Aircraft, and Private Aircraft transporting persons for business purposes:

For periods from 0-2 hours: No Charge

For periods from 2 - 24 hours, and for each additional 24 hour period, or portion thereof, as follows:

Single-Engine Aircraft and Helicopters: \$5.00

Multi-Engine Aircraft Weight as follows:

0 - 10,000 lbs.	\$5.00
10,000 lbs. - 12,500 lbs.	\$10.00
12,501 lbs. - and over	\$1.00 per 1,000 lbs. gross wt.

MONTHLY PARKING/TIE-DOWN FEES ON DESIGNATED CITY RAMPS

Single-Engine and Helicopters \$50.00

Multi-Engine Aircraft by Weight as follows:

0 - 10,000 lbs.	\$50.00
10,001 lbs. and over	\$100.00

Be it further resolved for the purpose of this Resolution, the following definitions shall apply:

“Commercial Aircraft” shall mean an aircraft carrying persons or property for compensation or hire.

“Corporate Aircraft” shall mean a company owned aircraft transporting persons or property for business purposes.

“Gross Weight” shall mean the maximum allowable certified gross landing weight.

“Mercy Flight” shall mean an air medical transport flight that is operated by a non-profit or a for-profit provider of air medical transport where the flight is provided at no cost.

“Private Aircraft” shall mean an aircraft that is not a Commercial Aircraft, Corporate Aircraft, Public Aircraft, or Scheduled Air Carrier Aircraft.

“Public Aircraft” shall mean an aircraft used in the service of a government entity at the local, state or federal level.

“Scheduled Air Carrier” shall mean an airline that submits schedules in advance and reports landings on a monthly basis to the Department of Port Control.

Be it further resolved that Resolution No. 311-16, adopted July 6, 2016, is rescinded, and that the charges and fees shall be in force and effect for a period not to exceed one year from January 1, 2018 to December 31, 2018.

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

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

Resolution No. 20-18.

By Director Cox.
 Be it resolved, by the Board of Control of the City of Cleveland that the bid of Northeast Lubricants, LTD, for an estimated quantity of Antifreeze/Coolant, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for a period of two (2) years, beginning with the date of execution of a contract, received on January 5, 2018 under the authority of Section No. 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$92,455.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services specified.

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

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

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

Resolution No. 21-18.

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. 118-09-097 located on Sagamore 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, Jeannie Thomas has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 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 Jeannie Thomas for the sale and development of Permanent Parcel No. 118-09-097 located on Sagamore Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Interim Director Jackson, Director West, 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 stated 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, FEBRUARY 12, 2018

9:30 A.M.

Calendar No. 18-04: 4427 Rocky River Drive (Ward 17)

St. Patrick R.C. Church, owner, and John T. Foundation, tenant, propose to establish use as drug/ alcohol residential rehabilitation facility for 40 residents and 4 staff, with residential, counseling and life-skill programs in an A1 One-Family Residential District. The owner appeals for relief from the strict application of Section 337.02(f)(3)(D) of the Cleveland Codified Ordinances which states that a rehabilitation facility is permitted in a One family Districts if not for drug or liquor residents. (Filed January 8, 2018)

Calendar No. 18-10: 1852-56 East 101st Street (Ward 7)

Cleveland Construction Inc., proposes to establish use as temporary storage of a construction trailer and parking on a vacant parcel owned by the City of Cleveland located in an E2 Multi-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.08 which states that in Multi-Family District storage of a construction trailer is not a permitted use.

2. Section 329.06 which states that The board of Zoning Appeals may, after public notice and hearing and subject to appropriate conditions and safeguards, permit in undeveloped sections of the city for not more than a two (2) year period a building or other structure or use which does not conform to the use regulation of the district in which it is to be located. Such permit may be renewed for two (2) year period when the general conditions of the neighborhood have remained practically unchanged.

3. Section 327.02(e) which states that this application is for PPN 119-12-058 a plot plan drawn to scale

shall be submitted with each application.

4. Section 349.07 which states that the parking lot must be paved and drained within lot.

5. Section 349.13 which states that parking in a residential district requires BZA approval. (Received January 9, 2018)

Waste Collection Appeal

Calendar No. 18-011: 4093 East 66th Street (Ward 12)

Maria Chelbezan, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of the hearing examiner in Parking Violations Bureau on December 29, 2017 concerning the City of Cleveland Waste Collection issuance of Civil Infraction Ticket Number WC00373563 issued November 16, 2017 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances. (Filed January 9, 2018)

Calendar No. 18-12: 2011 Broadview Road (Ward 13)

Ashok Kumar, owner, proposes to change use from bar to retail stores (front building and garage) in a B1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that parking for retail stores is required at the rate of one space per each 500 square feet and no striped parking spaces shown.

2. Section 349.07(a) which states that the parking area must be paved, and graded for drainage of all water within the lot. No surfacing or drainage details are shown.

3. Sections 352.08 through 352.12 which state that six foot wide landscaping strip is required where lot abuts residential district. No landscaping plan submitted.

4. Section 352.07(b)(2)(A) which states that a continuation of a non-conformity in landscaping upon a change of use requires the approval of the Board of Zoning Appeals.

5. Section 327.02(e) which states that a site plan showing all features of the property, including parking spaces, landscaping, paved and unpaved areas, and driveways is required. (Filed January 9, 2018)

Calendar No. 18-14: 8700 Denison Avenue (Ward 14)

Mihai Dobre, owner, proposes to erect a storage building on a vacant lot and use property as storage on a parcel of land that is located in a B1 Two-Family Residential and a C2 Local Retail Business. The owner appeals for relief from the strict application of Sections 337.03 and 343.01 of the Cleveland Codified Ordinances which state that storage is not permitted as a main use of property in Residential or Local Retail Business zoning district but is first permitted in Semi-Industry District. (January 16, 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)

POSTPONED FROM JANUARY 2, 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)

Postponed at the request of the Board to allow time for the appellant to meet with the City Planner about the proposed storage use.

**POSTPONED FROM
JANUARY 8, 2018**

Calendar No. 17-361: 5804 Denison Avenue (Ward 14)

Fulton Denison LLC., owner, proposes to construct a parking lot in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b)(4) which states that a Parking lot in a Local District shall meet section 349.13(c) requirements and requires BZA approval.

2. Section 349.13(c) states that the Board of Zoning Appeals may permit, temporarily or permanently, the use of land in Local Retail Business District for a parking lot when the best interests of the community will be serviced, and provided that:

- The lot is to be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance.
- No charge is to be made for parking on the lot.
- The lot is not to be used for sales, repair work or servicing of any kind.
- Entrance to and exit from the lot are to be located so as to do the least harm to the residence district.
- No advertising sign or material is to be located on the lot.
- All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board.
- The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, slightly fence or wall not less than four feet six inches high and not more than five feet high located back of the setback building line. All lightening is to be arranged so that there will be no glare than is annoying to the

occupants of adjoining property in a Residence District, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained; 4' high coated chain link fence is proposed within front setback and at back of setback.

- The building permit number under which the lot is established is to be posted;

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

3. Section 349.07 which states that all accessory off-street parking spaces shall be provided with wheel or bumper guards that are so located that no part of a parked vehicle will extend beyond such parking spaces.

4. Sections 352.09 through 352.11 which state that an 8 foot wide transition strip is required where parking lot is adjacent to residential and a 1 foot wide transition strip is proposed.

5. Section 349.07 which states that parking space and maneuvering areas shall be hard surfaced and properly drained. (Filed December 4, 2017 - No Testimony)

First postponement made at the request of the Development Corporation to allow time for the community process to take place.

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, JANUARY 29, 2018

At the meeting of the Board of Zoning Appeals on Monday, January 29, 2018, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 17-247: 8606 Denison Avenue

WHS Realty, owner, proposes to change use from gas station to car rental facility in a C1 Local Retail Business District.

Calendar No. 17-343: 3951 Rocky River Drive

Reach Counseling Services, owner, proposes to change use from a day-care to a group home in a B1 Two Family Residential District.

Calendar No. 17-377: 1977 East 126th Street

WXZ Development Incorp., owner, proposes to erect a 28' x 60' four story frame single family residence with attached garage in a C1 Multi-Family Residential District.

Calendar No. 17-378: 1979 East 126th Street

WXZ Development Incorp., owner, proposes to erect a 28' x 34' four story frame single family residence with attached garage in a C1 Multi-Family Residential District.

Calendar No. 17-379: 1981 East 126th Street

WXZ Development Incorp., owner, proposes to erect a 28' x 34' four story frame single family residence with attached garage in a C1 Multi-Family Residential District.

The following appeals were **DENIED:**

None.

The following appeals were **WITHDRAWN:**

Calendar No. 17-325: Saady A. Hashem
2285 Ashland Road.

Calendar No. 17-376: DP Towing & Auto Salvage
6808 Bushnell Court.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

Calendar No. 17-324: 4Ever Social Club, LLC
5437 Broadway Avenue. Postponed to March 26, 2018.

Calendar No. 17-347: 1235 Euclid Ave Cleveland, LLC
1260/1212 Sumner Avenue. Postponed to February 26, 2018.

Calendar No. 17-374: Kamcor Realty
16900 Lorain Avenue. Postponed to March 5, 2018.

The following cases were heard by the Board of Zoning Appeals on Monday, January 22, 2018 and the decisions were adopted and approved on Monday, January 29, 2018:

The following appeals were **APPROVED:**

Calendar No. 17-351: 15619 Waterloo Road

Spacepop LLC., owner, proposes to establish use as an art gallery and sales and a catering facility in a C2 Local Retail Business District and a Pedestrian Retail Overlay District (PRO).

Calendar No. 17-368: 1976 West 44th Street

Sean Rooney, owner, proposes to erect a 2,074 square foot single family residence in a B1 Two-Family Residential District.

Calendar No. 17-370: 2144 West 18th Street

Matthias and Monika Bonath, owners, propose to erect a 22' x 72'-6" three story frame single family residence with attached garage in a B1 Multi-Family Residential District.

Calendar No. 17-373: 1314 West 103rd Street

Zach Miklowski, owner, proposes to erect a 24' x 24' wood frame garage with upper floor storage on a 5,400 square foot lot in a B1 Two-Family Residential District.

Secretary

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

Re: Report of the Meeting of
January 24, 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-118-17.

RE: Appeal of Terry Poltorek/3705 Company, Inc./HP Manufacturing Co., Inc., Owner of the Property, located on the premises known as 3705 Carnegie Avenue from a NOTICE OF VIOLATION — FIRE CODE, dated May 17, 2017 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until April 1, 2018 to resolve the issues; the property is REMANDED at this time the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-204-17.

RE: Appeal of State Of Ohio C/O Linda Bell & Robert Perry, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 3123 West 68th Street from a VACATE ORDER & NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated September 21, 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 — Hazardous Conditions & Vacate Order were properly issued and to REMAND the property 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-205-17.

RE: Appeal of Harry Wilson Jr., Owner of the One Dwelling Unit Single-Family Residence Two Story Frame and One & One-half Story Garage — Detached; Wood Frame Property, located on the premises known as 3480 Kimmel Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 13, 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 REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-208-17.

RE: Appeal of Antonio Spencer, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 16724 Grovewood Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 22, 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 August 18, 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. Bradley.

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

* * *

Docket A-211-17.

RE: Appeal of Jorge Garcia Sr., Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 3325 Roehl Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 28, 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 February 1, 2018 to obtain all required permits and until April 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. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-221-17.

RE: Appeal of Scranton-Averell, Inc., Owner of the S-2 Storage — Low Hazard (Non-Combustibles)

One & One-half Story Masonry Property, located on the premises known as 2140 Scranton Avenue from a NOTICE OF VIOLATION — FIRE DAMAGE, dated October 5, 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-221-17 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-222-17.

RE: Appeal of NexFinder LLC, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 2148 West 104th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated October 9, 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 April 1, 2018 to complete abatement of the violations, including the steps; 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-227-17.

RE: Appeal of Ashok Kumar & Seema Rani, Owners of the MXD Mixed Uses — Multiple Uses In One Building Two Story Frame Property, located on the premises known as 2011 Broadview Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated October 24, 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 DENY the Appellants request 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. Gallagher.

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

* * *

Docket A-228-17.

RE: Appeal of David Lunt, Owner of Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 2138 West 105th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated October 11, 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 March 1, 2018 to obtain all required permits and until May 1, 2018 to complete abatement of all violations on the property; noting that failure to meet either date Remands 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. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-230-17.

RE: Appeal of James Grunt, Owner of the Two Dwelling Units Two-Family Residence One Story Garage — Detached; Wood Frame Property, located on the premises known as 4894 West 13th Street from a CONDEMNATION ORDER — GARAGE, dated October 16, 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 March 1, 2018 to obtain all required permits and until May 1, 2018 to complete abatement of the violations; noting that failure to meet either date Remands 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. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-232-17.

RE: Appeal of JSAW3LTD, Owner of the MXD Mixed Uses — Multiple Uses In One Building Two Story Frame Property, located on the premises known as 2389 West 5th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated October 23, 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 March 1, 2018 to submit plans to the Building Department to obtain all required permits; 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. Gallagher.

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

Docket A-233-17.

RE: Appeal of Vivian N. Amujiogu, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 18304 Lasalle Road from a NOTICE OF VIOLATION — NO PERMIT, dated November 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 contractor, WE Construction, LLC is responsible for the violations and obtaining all required permits for the work, and to find that the property owner, Vivian N. Amujiogu, is not the responsible party; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-12-18.

RE: Appeal of Project 29 Partners, LLC, Owner of the Property, located on the premises known as 2861 Detroit Avenue from an ADJUDICATION ORDER, dated December 20, 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 approve the arrangements presented on the plans, noting that the variance to the code is provided to permit the arrangement. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Gallagher, Bradley, Maschke, Nays: Mr. Denk. Absent: Mr. Saab.

* * *

EXTENSION OF TIME:

Docket A-135-17.

W. 6th St. Partners — 1280 West 6th Street.

Docket A-135-17 has been POSTPONED; to be rescheduled for February 7, 2018.

* * *

AMENDED RESOLUTION:

Docket A-216-17.

Scott Sigart — 5964 Engle Avenue:

FROM:..to find that the Violation Notice was properly issued, and due to the conditions of the property and lack of concern by the owner, additional time is DENIED; the property is REMANDED...

TO:..to grant the Appellant until July 1, 2018 to obtain all required permits and complete abatement of the violations on the property, the property is to remain groomed and clean during that period of time; the property is REMANDED at this time to the Department of Building and

Housing for supervision and any required further action...

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-212-17 — Frank A. Haugh
- A-215-17 — Rockefeller Building Associates
- A-216-17 — Scott Sigart (Amended)
- A-217-17 — Capital Properties LLC
- A-218-17 — Ronald Gray
- A-220-17 — Paul B. Garrison II
- A-231-17 — Erick Rodriguez

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

* * *

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

- A-223-17 — 1960-B, LLC
- A-224-17 — 1960-C, LLC
- A-225-17 — 1960-D, LLC
- A-226-17 — 1960-A, LLC

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Maschke and seconded by Mr. Gallagher 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):

January 10, 2018

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

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY of CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, FEBRUARY 14, 2018

File No. 10-18 — Room 518 Renovations, for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance No. 550-17, passed by the Council of the City of Cleveland, June 5, 2017.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) 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.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, JANUARY 31, 2018 AT 10:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 517A.

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).

January 24, 2018 and January 31, 2018

THURSDAY, FEBRUARY 15, 2018

File No. 8-18 — Music Hall Improvements Roof Repairs, for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance No. 733-14, 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 TWENTY-FIVE DOLLARS (\$25.00) 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.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, FEBRUARY 2, 2018 AT 10:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 517A.

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. 9-18 — First Energy Stadium 2018 General Improvements, for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance No. 805-16, passed by the Council of the City of Cleveland, August 10, 2016.

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.)

THERE WILL BE A **MANDATORY** PRE-BID MEETING, MONDAY, FEBRUARY 5, 2018 AT 10:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 517A.

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).

January 24, 2018 and January 31, 2018

WEDNESDAY, FEBRUARY 21, 2018

File No. 14-18 — Camp Forbes Recreation Center Multi-Purpose Room (Re-Bid), for the Division of

Architecture and Site Development, Office of Capital Projects as authorized by Ordinance No. 1395-16, passed by the Council of the City of Cleveland, January 30, 2017.

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.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, FEBRUARY 7, 2018 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 517.

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).

January 31, 2018 and February 7, 2018

WEDNESDAY, FEBRUARY 28, 2018

File No. 11-18 — 2018 A-Water Main Renewal, for the Division of Water, Department of Public Utilities as authorized by Ordinance No. 698-16, passed by the Council of the City of Cleveland, July 13, 2016.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY FIVE DOLLARS (\$25.00) 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.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 8, 2018 AT 10:30 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 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).

January 31, 2018 and February 7, 2018

THURSDAY, MARCH 1, 2018

File No. 12-18 — 2018 B-Water Main Renewal, for the Division of Water, Department of Public Utilities as authorized by Ordinance No. 698-16, passed by the Council of the City of Cleveland, July 13, 2016.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS

AND SPECIFICATIONS IN THE AMOUNT OF TWENTY FIVE DOLLARS (\$25.00) 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.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 8, 2018 AT 10:30 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 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).

January 31, 2018 and February 7, 2018

FRIDAY, MARCH 2, 2018

File No. 13-18 — Water Main Maintenance and Insulation Replacement on Bridge Crossings, for the Division of Water, Department of Public Utilities as authorized by Ordinance No. 698-16, passed by the Council of the City of Cleveland, July 13, 2016.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY FIVE DOLLARS (\$25.00) 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.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, FEBRUARY 9, 2018 AT 11:30 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 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).

January 31, 2018 and February 7, 2018

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 24-18,
By Council Members Zone and Kelley (by departmental request).
An emergency resolution approving the adoption of the Countywide All Hazards Mitigation Plan for Cuyahoga County, 2017 Update.

Whereas, hazard mitigation is a sustainable action taken to reduce or eliminate damage from future disaster; and

Whereas, the Disaster Mitigation Act of 2000 requires all communities that desire to apply for federal mitigation programs to have an all-natural hazard mitigation plan; and

Whereas, the Disaster Mitigation Act of 2000 also requires communities to review and revise the plan at least every five (5) years to reflect changes in development, progress in local mitigation efforts, and changes in priorities, in order to continue eligibility to apply for federal mitigation programs; and

Whereas, the all-natural hazard mitigation plan must meet the criteria established by the Federal Emergency Management Agency ("FEMA"); and

Whereas, for disasters that are declared after November 1, 2004 that the local government must have an approved mitigation plan; and

Whereas, in collaboration with participating jurisdictions, the Cuyahoga County Government, through the Cuyahoga County Office of Emergency Management developed and maintains such a mitigation plan which is entitled the "Countywide All Hazards Mitigation Plan for Cuyahoga County"; and

Whereas, each jurisdiction requesting approval of the plan must document that the plan has been formally adopted; and

Whereas, adoption of the "Countywide All Hazards Mitigation Plan" is a condition of eligibility to receive federal mitigation funds available through the Federal Emergency Management Agency; 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 approves the adoption of the Countywide All Hazards Mitigation Plan for Cuyahoga County, 2017 Update.

Section 2. That the Clerk of Council is directed to transmit a copy of this resolution to the Cuyahoga County Office of Emergency Management, 9300 Quincy Avenue, 2nd Floor, Cleveland, Ohio 44106.

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

Adopted January 22, 2018.
Effective January 25, 2018.

Res. No. 98-18,
By Council Member Kelley.
An emergency resolution withdrawing objection to a New C1 Liquor Permit at 2152 Brookpark Road and repealing Resolution No. 1167-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar #8343, 2152 Brookpark Road, Cleveland, Ohio 44134, Permit Number 26312750630 by Resolution No.

1167-17 adopted by the Council on September 25, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar #8343, 2152 Brookpark Road, Cleveland, Ohio 44134, Permit Number 26312750630, be and the same is hereby withdrawn and Resolution No. 1167-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted January 22, 2018.
Effective January 25, 2018.

Res. No. 99-18,
By Council Member Brancatelli.
An emergency resolution withdrawing objection to a New C1 Liquor Permit at 8003 Broadway Avenue and repealing Resolution No. 1166-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar #10417, 8003 Broadway Avenue, Cleveland, Ohio 44105, Permit Number 26312750340 by Resolution No. 1166-17 adopted by the Council on September 25, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., DBA Family Dollar #10417, 8003 Broadway Avenue, Cleveland, Ohio 44105, Permit Number 26312750340, be and the same is hereby withdrawn and Resolution No. 1166-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted January 22, 2018.
Effective January 25, 2018.

Res. No. 100-18.
By Council Member Brancatelli.
An emergency resolution with-
drawing objection to a New C1
Liquor Permit at 3787 Pearl Road
and repealing Resolution No. 1056-17,
objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., 3787 Pearl Road, Cleveland, Ohio 44109, Permit Number 26312750635 by Resolution No. 1056-17 adopted by the Council on September 18, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That objection to a New C1 Liquor Permit at Family Dollar Stores of Ohio, Inc., 3787 Pearl Road, Cleveland, Ohio 44109, Permit Number 26312750635, be and the same is hereby withdrawn and Resolution No. 1056-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted January 22, 2018.
 Effective January 25, 2018.

Res. No. 101-18.
By Council Member Griffin.
An emergency resolution object-
ing to a New C1 Liquor Permit at
11491 Buckeye Road.

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Dolgen Midwest, LLC, DBA Dollar General Store #19255, 11491 Buckeye Road, Cleveland, Ohio 44104, Permit Number 22348152885; 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 Dolgen Midwest, LLC, DBA Dollar General Store #19255, 11491 Buckeye Road, Cleveland, Ohio 44104, Permit Number 22348152885; 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 January 22, 2018.
 Effective January 25, 2018.

Ord. No. 1432-17.
By Council Members Brancatelli
and Kelley (by departmental
request).

An emergency ordinance approv-
ing the Tax Incentive Review Coun-
cil's Year 2016 recommendations.

Whereas, under Section 5709.85 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.85 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by the legislative authority; and

Whereas, under Section 5709.85 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive

review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; and

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

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

Section 1. That the TIRC's Year 2016 recommendations contained in File No. 1432-17-A are approved.

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

Passed January 22, 2018.
 Effective January 25, 2018.

Ord. No. 6-18.
By Council Member Kelley (by
departmental request).

An emergency ordinance to amend
Section 178.10 of the Codified Ord-
inances, of Cleveland, Ohio, 1976, as
amended by Ordinance No. 2353-93,
passed February 14, 1994, relating to
security for repayment of deposits.

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 178.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2353-93, passed February 14, 1994, is amended to read as follows:

Section 178.10 Security for Repay-
ment of Deposits

(a) The City Treasurer, before making the initial deposit in an eligible depository designated pursuant to Section 178.03 or before making an investment in a certificate of deposit pursuant to division (b)(8) of Section 178.12, shall require the eligible depository to pledge to and deposit with the City Treasurer, as security for the repayment of all public monies to be deposited in the eligible depository, eligible securities in the aggregate market value equal to one hundred and ten percent (110%) of the amount of public monies to be at the time so deposited. In the case of any deposit other than the initial deposit made during the period of designation, the amount of the aggregate market value of securities required to be pledged and deposited, shall be equal to one hundred and ten percent (110%) of the amount of public monies on deposit in such public depository plus one hundred and ten percent (110%) of the amount to be so deposited. The City Treasurer may require additional eligible securities to be deposited to provide for any depreciation which may occur in the market value of any of the securities so deposited. This paragraph shall not apply to a pooled

security arrangement authorized under division (c) of this section.

(b) The following securities shall be eligible securities for the purposes of this section:

(1) Bonds, notes or other obligations of or guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by language specifically appearing therein and not merely by interpretation or otherwise;

(2) Bonds, notes, debentures, or other obligations or securities issued by any U.S. government agency, or the export-import bank of Washington;

(3) Bonds and other obligations of the State of Ohio guaranteed as to principal and interest by the State of Ohio or those for which the full faith and credit of the State of Ohio is pledged for the payment of principal and interest thereon by language specifically appearing therein and not merely by interpretation or otherwise;

(4) Bonds and other obligations of any county, township, school district, municipal corporation, including the City, or other legally constituted taxing subdivision of the State of Ohio, which is not, at the time of such deposit, in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged;

(5) Obligations guaranteed as to principal and interest by the Ohio student loan commission;

(6) A no-load money market mutual fund that is registered as an investment company under the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-64, and that has the highest letter or numerical rating provided by at least one (1) nationally recognized standard rating service, consisting exclusively of obligations described in division (b)(1) or (2) of this section and repurchase agreements secured by such obligations.

(c) The City shall not accept as eligible securities for purposes of this section any securities which are part of a pool of securities authorized in RC 135.182, unless authorized in advance and in writing by the Director of Finance and the City Treasurer.

(d) If the eligible depository fails to pay over any part of the deposit made therein as provided by law, the City Treasurer shall sell at public sale any of the eligible securities deposited with the City Treasurer pursuant to this section. Thirty (30) days notice of such sale shall be given in a newspaper of general circulation within the City of Cleveland. Pursuant to division (C) of RC 135.18, when a sale of eligible securities has been so made and upon payment to the City Treasurer of the purchase money, the City Treasurer shall transfer such eligible securities, whereupon the absolute ownership of such eligible securities shall pass to the purchasers, and any surplus remaining after deducting the amount due the City of Cleveland and the expenses of sale shall be paid to the eligible depository.

(e) An eligible depository may, by written notice to the City Treasurer, designate a qualified trustee and deposit the eligible securities required by this section with the trustee for safekeeping for the account of the City Treasurer and the eligible depository, as their respective rights to and interest in such securities under this section may appear and be asserted by written notice to or demand upon the trustee pursuant to division (D) of RC 135.18. In such case, the City Treasurer shall accept the written receipt of the trustee describing the securities which have been deposited with the trustee by the eligible depository, a copy of which shall also be delivered to the eligible depository. Thereupon all such securities so deposited with the trustee are, pursuant to division (D) of RC 135.18 deemed to be pledged with the City Treasurer and to be deposited with him or her, for all the purposes of this section. The qualified trustee designated to perform the duties pursuant to this division (e) must be approved by the Director of Finance prior to designation by the eligible depository.

(f) The City Treasurer may make provisions for the exchange and release of securities and the substitution of other eligible securities therefor.

(g) Pursuant to division (I) of RC 135.18, any federal reserve bank or

branch thereof located in the State of Ohio, without compliance with RC sections 1109.03, 1109.04, 1109.17 and 1109.18 or any provision of this chapter and without becoming subject to RC 1109.15 or any other law of Ohio relative to the exercise by corporations of trust powers generally, is qualified to act as trustee for the safekeeping of securities under this section.

(h) Notwithstanding the fact that an eligible depository is required to pledge eligible securities in certain amounts to secure deposits of public monies, a trustee shall have no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by an eligible depository. This applies in all situations including, without limitation, a substitution or exchange of securities.

(i) Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the eligible depository and in no event shall be chargeable to the City or to the City Treasurer or to any officer of the City. Pursuant to RC 135.18, such charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in such securities of the City or of the City Treasurer. Pursuant to RC 135.18, the City Treasurer and the City Treasurer's bondsmen or surety shall be relieved from any liability to the City or to the eligible depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

Section 2. That existing Section 178.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2353-93, passed February 14, 1994, 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 January 22, 2018.
Effective January 25, 2018.

Ord. No. 7-18.

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Section 39 of Ordinance No. 323-15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications.

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

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

Section 1. That Section 39 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 638-15, passed June 8, 2015, Ordinance No. 1110-15, passed September 21, 2015, Ordinance No. 1260-16, passed October 31, 2016, and Ordinance No. 1076-17, passed October 9, 2017, is amended to read as follows:

Section 39. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Administrative Manager.....	\$27,193.55	\$115,424.36
2. AMR Field Engineer.....	27,325.56	94,320.17
3. Assistant Commissioner of Water.....	27,325.56	134,991.09
4. Assistant Secretary of Sinking Fund Commission.....	27,325.56	108,011.58
5. Aviation Unit Manager.....	88,000.00	108,000.00

6.	Chief of Health Planning and Evaluation.....	27,325.56	85,577.88
7.	Chief-Systems Analysis.....	27,325.56	108,011.58
8.	Consulting Engineer.....	36,000.00	104,888.34
9.	Disease Intervention Specialist Supervisor.....	47,396.28	73,079.27
10.	Emergency Management Planner.....	36,000.00	90,000.00
11.	Emergency Operations Center Manager.....	27,325.56	96,463.81
12.	FMIS Functional Manager.....	27,325.56	99,702.63
13.	Harbor Manager.....	27,325.56	108,011.58
14.	Health Services Administrator.....	27,325.56	85,577.88
15.	Helicopter Pilot.....	60,000.00	72,800.00
16.	Labor Relations Officer.....	27,325.56	85,577.88
17.	Manager of Compensation and Classifications.....	27,325.56	128,618.41
18.	Manager of Education and Research.....	27,325.56	96,798.67
19.	Manager of Employee Relations.....	27,325.56	99,702.63
20.	Manager of Equal Employment Opportunity.....	27,325.56	99,702.63
21.	Manager of Public Safety Office of Quality Control...	27,325.56	96,463.81
22.	Minority Business Development Administrator.....	27,325.56	85,577.88
23.	Office of Professional Standards Senior Investigator..	28,000.00	85,000.00
24.	Police Inspector General.....	75,000.00	100,000.00
25.	Project Coordinator.....	27,325.56	99,702.63
26.	Risk Manager.....	27,325.56	108,011.58
27.	Senior Compensation Analyst/HRIS.....	27,325.56	104,856.16
28.	Superintendent of Electric Trouble Operations.....	27,325.56	85,577.88
29.	Testing, Training and Exercises Planner.....	27,325.56	91,104.71
30.	Water Business Plan Manager.....	27,325.56	99,702.63

Section 2. That existing Section 39 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 638-15, passed June 8, 2015, Ordinance No. 1110-15, passed September 21, 2015, Ordinance No. 1260-16, passed October 31, 2016, and Ordinance No. 1076-17, passed October 9, 2017, 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 January 22, 2018.
Effective January 25, 2018.

Ord. No. 9-18.

By Council Member Kelley (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Cleveland Utility Workers Union of America, Local 270; and to amend Section 12 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Utility Workers Union of America, Local 270, under the terms contained in File No. 9-18-A, for the period from April 1, 2016 through March 31, 2019, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase
0%	April 1, 2016
2%	April 1, 2017
2%	April 1, 2018

In addition to the percentage increase effective April 1, 2017, each eligible member of the bargaining agreement will receive a separate payment in the amount of \$500.00 payable within a reasonable time following ratification, which is not part of the member's wage base.

Section 2. That Section 12 of Ordinance No. 323-15, passed March 30, 2015, is amended to read as follows:

Section 12. Cleveland Utility Workers Union of America, Local 270. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Building Stationary Engineer.....	\$20.05	\$20.45
2. Chief Building Stationary Engineer.....	21.43	21.86
3. Chief Stationary Engineer.....	22.76	23.22
4. Stationary Boiler Room Operator.....	20.80	21.22
5. Water Plant Operator I.....	20.09	28.09
6. Water Plant Operator II.....	20.09	28.09
7. Water Plant Operator.....	20.49	29.34

Section 3. That existing Section 12 of Ordinance No. 323-15, passed March 30, 2015, is repealed.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately

upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed January 22, 2018.
Effective January 25, 2018.

Ord. No. 10-18.

By Council Member Kelley (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Treasurers and Ticket Sellers Union, Local 756; and to amend Section 46 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Treasurers and Ticket Sellers Union, Local 756, under the terms contained in File No. 10-18-A, for the period from April 1, 2016 through March 31, 2019, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase
0%	April 1, 2016
2%	April 1, 2017
2%	April 1, 2018

Section 2. That Section 46 of Ordinance No. 323-15, passed March 30, 2015, is amended to read as follows:

Section 46. Treasurers and Ticket Sellers Union, Local 756. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Assistant Manager of Box Office.....	\$23,800.06	\$56,659.45
2. Box Office Cashier.....	10.33	18.68

Section 3. That existing Section 46 of Ordinance No. 323-15, passed March 30, 2015, is repealed.

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

Passed January 22, 2018.
Effective January 25, 2018.

Ord. No. 11-18.

By Council Member Kelley (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Longshoreman Association, Local 1317; and to amend Section 19 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Longshoreman Association, Local 1317, under the terms contained in File No. 11-18-A, for the period from April 1, 2016 through March 31, 2019, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase
0%	April 1, 2016
2%	April 1, 2017
2%	April 1, 2018

In addition to the percentage increase effective April 1, 2017, each eligible member of the bargaining agreement will receive a separate payment in the amount of \$500.00 payable within a reasonable time following ratification, which is not part of the member's wage base.

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

Section 19. Longshoreman Association, Local 1317. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Electric Bridge Operator.....	\$18.80	19.18
2. Electric Bridge Operator Leader.....	20.13	20.53

Section 3. That existing Section 19 of Ordinance No. 323-15, passed March 30, 2015, is repealed.

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

Passed January 22, 2018.
Effective January 25, 2018..

**Ord. No. 23-18.
By Council Member Kelley (by
departmental request)**

An emergency ordinance authorizing the Director of Finance to employ one or more software developers or vendors to develop and/or acquire software solutions necessary to provide Audit Management Software as a Service, or audit management software including implementation and configuration, end user and technical staff training, maintenance and other support-related services, for the Department of Finance, for a period of one year with two one year options to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more software developers or vendors or one or more firms of software developers or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to develop and/or acquire software solutions necessary to provide Audit Management Software as a Service (SaaS), or audit management software including implementation and configuration, end user and technical staff training, maintenance and other support-related services, for the Department of Finance, for a period of one year with two one year options to renew, exercisable by the Director of Finance. The SaaS contract or contracts will also include the City's obligation to pay ongoing subscription and service fees for the term of the Agreement.

The selection of the developers or vendors for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified developers or vendors available for employment as may be determined after a full and complete canvass by the Director of Finance 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 and certified by the Director of Finance.

Section 2. That the Director of Finance is authorized to enter into any third-party software license agreements necessary to effect the purposes of this ordinance.

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

Section 4. That the cost of this ordinance shall be paid from Fund No. 01-1506-6415 and the costs of ongoing subscription and service fees are subject to annual appropriation. RQS 1506, RL 2018-9

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 January 22, 2018.
Effective January 25, 2018.

**Ord. No. 86-18.
By Council Members McCormack
and Santana.**

An emergency ordinance amending Section 1 of Ordinance No. 457-17 passed April 24, 2017 as amended by 963-17 passed August 16, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Station Hope Storytelling Project through the use of Wards 3 and 14 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 Section 1 Ordinance No. 457-17 passed April 24, 2017 as amended by Ordinance No. 963-17 passed August 16, 2017 is

hereby amended to read as follows:

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement effective May 1, 2016 with Cleveland Public Theatre for the Station Hope Storytelling Project for the public purpose of promoting arts education and the history of the underground railroad to youth residing in the city of Cleveland through the use of Wards 3 and 14 Casino Revenue funds.

Section 2. That Section 1 Ordinance No. 457-17 passed April 24, 2017 as amended by Ordinance No. 963-17 passed August 16, 2017 is hereby repealed.

Section 3. 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 January 22, 2018.
Effective January 25, 2018.

**COUNCIL COMMITTEE
MEETINGS**

**Monday, January 29, 2018
9:30 a.m.**

Health and Human Services Committee: Present: Griffin, Chair; McCormack, Vice Chair; Conwell, Hairston, Santana, Zone. *Authorized Absence:* B. Jones.

2:00 p.m.

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

**Wednesday, January 31, 2018
10:00 a.m.**

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

**Thursday, February 1, 2018
10:00 a.m.**

Transportation Committee: Cancelled.

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O—Ordinance; R—Resolution; F—File
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Authorizing the Director of Finance to employ one or more software developers or vendors to develop and/or acquire software solutions necessary to provide Audit Management Software as a Service, or audit management software including implementation and configuration, end user and technical staff training, maintenance and other support related services, for the Department of Finance, for a period of one year with two one year options to renew, exercisable by the Director of Finance. (O 23-18)130

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Authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into one or more contracts with Court Community Service to arrangement placement and supervision of persons to community service assignments and to the Cleveland work Crew Program, both as referred by the Court, for the Cleveland Municipal Court, each for a period of one year. (O 121-18)112

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Approving the collective bargaining agreement with the Cleveland Utility Workers Union of America, Local 270; and to amend Section 12 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 9-18)128

Approving the collective bargaining agreement with the Longshoreman Association, Local 1317; and to amend Section 19 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 11-18)129

Approving the collective bargaining agreement with the Treasurers and Ticket Sellers Union, Local 756; and to amend Section 46 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 10-18)129

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Authorizing the Director of Building and Housing to apply for and accept a grant from Environmental Health Watch for the Build Health Challenge 2.0 Program; and authorizing the Director of Building and Housing and/or Public Health to enter into one or more contracts and memoranda of understanding needed to implement the grant. (O 124-18)113

To amend the title and Section 6 of Ordinance No. 543-16, passed June 6, 2016, relating to applying for and accepting a grant from Substance Abuse and Mental Health Services Administration, Center for Mental Health Services and Center for Substance Abuse Treatment for the Cooperative Agreements to Benefit Homeless Individuals Program. (O 123-18)113

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Authorizing the Director of Building and Housing to apply for and accept a grant from Environmental Health Watch for the Build Health Challenge 2.0 Program; and authorizing the Director of Building and Housing and/or Public Health to enter into one or more contracts and memoranda of understanding needed to implement the grant. (O 124-18)113

To amend the title and Section 6 of Ordinance No. 543-16, passed June 6, 2016, relating to applying for and accepting a grant from Substance Abuse and Mental Health Services Administration, Center for Mental Health Services and Center for Substance Abuse Treatment for the Cooperative Agreements to Benefit Homeless Individuals Program. (O 123-18)113

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Authorizing the Director of the Department of Community Development to enter into an agreement with Burten, Bell, Carr Development Inc. for the Holiday Food Gift Card Program through the use of Ward 5 Casino Revenue Funds. (O 117-18)113

Human Resources Department

Approving the collective bargaining agreement with the Cleveland Utility Workers Union of America, Local 270; and to amend Section 12 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 9-18)128

Approving the collective bargaining agreement with the Longshoreman Association, Local 1317; and to amend Section 19 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 11-18)**129**

Approving the collective bargaining agreement with the Treasurers and Ticket Sellers Union, Local 756; and to amend Section 46 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 10-18)**129**

To amend Section 39 of Ordinance No. 323-15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications. (O 7-18)**127**

Landmark Commission

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Designating Greater Abyssinia Baptist Church as a Cleveland Landmark. (O 1456-17)**116**

Designating the Astrup Awning Company Complex as a Cleveland Landmark. (O 119-18)**104**

Designating the Kausek Brothers Building as a Cleveland Landmark. (O 1458-17)**116**

Designating the Patterson Sargent Company Canned Paint Warehouse as a Cleveland Landmark. (O 118-18)**104**

Levin Group, Inc.

From Kevin P. Hudson, Project Manager, Levin Group, Inc. Notice of intent to apply to Ohio Housing Finance Agency for multifamily funding programs for the development known as Kenmore Gardens and Kenmore Village, on scattered sites in Cleveland, Ohio, including 1634-1636 East 93rd Street, 1784 East 93rd Street, 1795-1801 East 93rd Street, 1854-1856 East 96rd Street, 1298-1406 Ansel Road, 1658-1660 Crawford Avenue, 8512-8515 Decker Avenue, 9500-9508 Edmunds Avenue, 8711-8713 Harkness Avenue, 9407-9419 Lamont Avenue, 9215-9221 Rosalind Avenue, 8704-8712 Superior Avenue, 8801-8811 Wade Park Avenue, 8901-8919 Wade Park Avenue, 9101-9123 Wade Park Avenue. (F 111-18)**103**

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Withdrawing objection to a New C1 Liquor Permit at 7300 St. Clair Avenue and repealing Resolution No. 1285-17, objecting to said permit. (R 129-18)**115**

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Oath of Office

Oath of Office for Louise Jackson, Interim Director of Community Development. Received.
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Ohio Housing Finance Agency (OHFA)

From Kevin P. Hudson, Project Manager, Levin Group, Inc. Notice of intent to apply to Ohio Housing Finance Agency for multifamily funding programs for the development known as Kenmore Gardens and Kenmore Village, on scattered sites in Cleveland, Ohio, including 1634-1636 East 93rd Street, 1784 East 93rd Street, 1795-1801 East 93rd Street, 1854-1856 East 96rd Street, 1298-1406 Ansel Road, 1658-1660 Crawford Avenue, 8512-8515 Decker Avenue, 9500-9508 Edmunds Avenue, 8711-8713 Harkness Avenue, 9407-9419 Lamont Avenue, 9215-9221 Rosalind Avenue, 8704-8712 Superior Avenue, 8801-8811 Wade Park Avenue, 8901-8919 Wade Park Avenue, 9101-9123 Wade Park Avenue. (F 111-18)103

From Khrys Shefton, Director of Real Estate Development, Famicos Foundation. Notice of intent to apply to Ohio Housing Finance Agency for multifamily funding programs for the development known as Circle North Lease Purchase Homes, on scattered sites in Cleveland, Ohio, including 1389 East 109th Street, 1373 East 110th Street, 1399 East 110th Street, 1367 East 111th Street, 1375 East 111th Street, 1388 East 111th Street, 1392 East 111th Street, 1415 East 111th Street (two parcels), 1457 East 112th Street, 10925 Churchill Avenue, 10930 Churchill Avenue, 10602 Lee Avenue, 10706 Lee Avenue, 10807 Orville Avenue. (F 137-18)103

Professional Services

Authorizing the Director of Finance to employ one or more software developers or vendors to develop and/or acquire software solutions necessary to provide Audit Management Software as a Service, or audit management software including implementation and configuration, end user and technical staff training, maintenance and other support related services, for the Department of Finance, for a period of one year with two one year options to renew, exercisable by the Director of Finance. (O 23-18)130

Authorizing the Director of Finance to exercise the first option to renew Contract No. CT 9998 PS 2016 296 with JIJ Communications LLC to provide professional services necessary for the development, support, and management of communication and media strategies, and related services. (O 81-18)116

Resolution of Support

Approving the adoption of the Countywide All Hazards Mitigation Plan for Cuyahoga County, 2017 Update. (R 24-18)125

Safety Department

To amend Section 135.52 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1649-92, passed October 5, 1992, relating to the rental of site and purchase of refreshments and mementos for Safety Programs. (O 122-18)112

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Approving the collective bargaining agreement with the Cleveland Utility Workers Union of America, Local 270; and to amend Section 12 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 9-18)128

Approving the collective bargaining agreement with the Longshoreman Association, Local 1317; and to amend Section 19 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 11-18)129

Approving the collective bargaining agreement with the Treasurers and Ticket Sellers Union, Local 756; and to amend Section 46 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 10-18)129

To amend Section 39 of Ordinance No. 323-15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications. (O 7-18)127

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To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 192.57 to 192.72, relating to the collection and administration of net profit taxes. (O 120-18)105

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 Withdrawing objection to a New C1 Liquor Permit at 11511 Kinsman Road and repealing Resolution No. 1183-17, objecting to said permit. (R 133-18)115

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Authorizing the Director of the Department of Community Development to enter into an agreement with Burten, Bell, Carr Development Inc. for the Holiday Food Gift Card Program through the use of Ward 5 Casino Revenue Funds. (O 117-18)113

Ward 06

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Withdrawing objection to a New C1 Liquor Permit at 2152 Brookpark Road and repealing Resolution No. 1167-17, objecting to said permit. (R 98-18)125
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#1327823. Transfer of Ownership Application, D1 D2. Norma L. Castro, 2886 West 25th St. (Ward 14). (F 115-18)104
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