

# The City Record

Official Publication of the Council of the City of Cleveland



September the Twelfth, Two Thousand and Eighteen

**Frank G. Jackson**  
Mayor

**Kevin J. Kelley**  
President of Council

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

**Ward Name**

- 1 Joseph T. Jones
- 2 Kevin L. Bishop
- 3 Kerry McCormack
- 4 Kenneth L. Johnson, Sr.
- 5 Phyllis E. Cleveland
- 6 Blaine A. Griffin
- 7 Basheer S. Jones
- 8 Michael D. Polensek
- 9 Kevin Conwell
- 10 Anthony T. Hairston
- 11 Dona Brady
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Jasmin Santana
- 15 Matt Zone
- 16 Brian Kazy
- 17 Martin J. Keane

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Kevin L. Bishop	11729 Miles Avenue, #5	44105
3	Kerry McCormack	1769 West 31st Place	44113
4	Kenneth L. Johnson, Sr.	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44115
6	Blaine A. Griffin	1810 Larchmere Boulevard	44120
7	Basheer S. Jones	1383 East 94th Street	44106
8	Michael D. Polensek	17855 Brian Avenue	44119
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Anthony T. Hairston	423 Arbor Road	44108
11	Dona Brady	1272 West Boulevard	44102
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Jasmin Santana	3535 Marvin Avenue	44109
15	Matt Zone	1228 West 69th Street	44102
16	Brian Kazy	4300 West 143rd Street	44135
17	Martin J. Keane	15907 Colletta Lane	44111

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

### MAYOR – Frank G. Jackson

Sharon Dumas, Interim Chief of Staff

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
 Matt Gray, Executive Assistant to the Mayor, Chief of Sustainability  
 Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs  
 Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development  
 Tracy Martin-Thompson, Executive Assistant to the Mayor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults

### OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

DIVISIONS:  
 Architecture and Site Development – \_\_\_\_\_ Manager  
 Engineering and Construction – Richard J. Switalski, Manager  
 Real Estate – James DeRosa, Commissioner

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

### OFFICE OF QUALITY CONTROL AND PERFORMANCE MANAGEMENT – Sabra T. Pierce-Scott, Director

**DEPT. OF LAW** – Barbara A. Langhenry, Director, Gary D. Singletary, Chief Counsel, Ronda G. Curtis, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel, Victor R. Perez, Chief Assistant Prosecutor, Room 106; Robin Wood, Law Librarian, Room 100

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

Natasha Brandt, Manager, Internal Audit  
 DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19  
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
 City Treasury – James Hartley, Treasurer, Room 115  
 Financial Reporting and Control – James Gentile, Controller, Room 18  
 Information Technology and Services – Kimberly Roy-Wilson, Commissioner, 205 W. St. Clair Avenue  
 Purchases and Supplies – Tiffany White, Commissioner, Room 128  
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

DIVISIONS:  
 Cleveland Public Power – Ivan Henderson, Commissioner  
 Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer  
 Water – Alex Margevicius, Commissioner  
 Water Pollution Control – Rachid Zoghaib, 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 & Burke Lakefront Airport – Khalid Bahhur, Commissioner

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

OFFICES:  
 Administration – John Laird, Manager  
 Special Events and Marketing – Tangee Johnson, Manager  
 DIVISIONS:  
 Motor Vehicle Maintenance – Jeffrey Brown, Commissioner  
 Park Maintenance and Properties – Richard L. Silva, Commissioner  
 Parking Facilities – Kim Johnson, Interim Commissioner  
 Property Management – Tom Nagle, Commissioner  
 Recreation – Samuel Gissentaner, Interim Commissioner  
 Streets – Frank D. Williams, Interim Commissioner  
 Traffic Engineering – Robert Mavec, Commissioner  
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

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

DIVISIONS:  
 Air Quality – David 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 – David Carroll, Interim Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
 Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive  
 Fire – Angelo Calvillo, Chief, 1645 Superior Avenue  
 Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

### DEPT. OF COMMUNITY DEVELOPMENT – Tania Menesse, 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, 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, Director, Room 210

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

**COMMUNITY RELATIONS BOARD** – Room 11, Grady Stevenson, 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, Ted Wammes.

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

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

**BOARD OF ZONING APPEALS** – Room 516, Carol A. Johnson, Chairman; Members: Henry Bailey, Myrline Barnes, Kelley Britt, Tim Donovan, Elizabeth Kukla, Secretary.

**BOARD OF BUILDING STANDARDS AND BUILDING APPEALS** – Room 516, Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.F. Sullivan.

**BOARD OF REVISION OF ASSESSMENTS** – Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Kevin J. Kelley.

**BOARD OF SIDEWALK APPEALS** – Capital Projects Director Matthew Spronz, Law Director Barbara A. Langhenry; Council Member Kenneth L. Johnson.

**BOARD OF REVIEW** – (Municipal Income Tax) – Law Director Barbara A. Langhenry; Public Utilities Director Robert L. Davis; Council President Kevin J. Kelley.

**CITY PLANNING COMMISSION** – Room 501 – Freddy L. Collier, Jr., Director; David H. Bowen, Lillian Kuri, Gloria Jean Pinkney, Council Member Kerry McCormack, Diane Downing, August Fluker, Charles Slife.

**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 Lochr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton.

**CLEVELAND BOXING AND WRESTLING COMMISSION** – Robert Jones, Chairman; Clint Martin, Mark Rivera.

**MORAL CLAIMS COMMISSION** – Law Director Barbara A. Langhenry; Chairman; Finance Director Sharon Dumas; Council President Kevin J. Kelley; Councilman Kevin Kelley.

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

**AUDIT COMMITTEE** – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Kevin J. Kelley; Law Director Barbara A. Langhenry.

## CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 105

WEDNESDAY, SEPTEMBER 12, 2018

No. 5466

## CITY COUNCIL

MONDAY, SEPTEMBER 10, 2018

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

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

#### MONDAY — Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
September 10, 2018

The meeting of the Council was called to order at 7:05 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

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

Also present were: Mayor Frank G. Jackson, Interim Chief of Staff/Director Sharon Dumas, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Education Monyka S. Price, 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 Tracy Martin-Thompson, and Directors Davis, Spronz, McGrath, Cox, Menesse, West, Ebersole, Collier, McNamara, Withers and Pierce Scott.

#### MOTION

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

#### MOTION

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

### COMMUNICATIONS

#### File No. 1084-18.

From Mayor's Office of Equal Opportunity. City Resident Utilization Report, August 8, 2018. Received.

#### File No. 1086-18.

From John Tatum, Partner, Fairstead Affordable LLC. Notice of intent to apply to Ohio Housing Finance Agency for multifamily funding programs for the development known as Euclid Beach Club, 123 East 156th Street, Cleveland, Ohio. Received.

#### File No. 1087-18.

From John Tatum, Partner, Fairstead Affordable LLC. Notice of intent to apply to Ohio Housing Finance Agency for multifamily funding programs for the development known as Euclid Beach Villa, 125 East 156th Street, Cleveland, Ohio. Received.

### OATH OF OFFICE

#### File No. 1085-18.

Oath of Office for Michael Patrick Gillissie, Captain of Fire, City of Cleveland. Received.

### PLATS

#### File No. 1088-18.

Dedication Plat for Ohio City Townhomes Subdivision, Abbey Avenue between West 21st Place and Columbus Road. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved.

### FROM OHIO DIVISION OF LIQUOR CONTROL

#### File No. 1089-18.

RE: #4142630. Transfer of Ownership Application, C1. Tamka Ingram, 3137 East 65th St. (Ward 5). Received.

#### File No. 1090-18.

RE: #28767030005. Transfer of License Application, C2 C2X. 4380 State Road, Inc., 4380 State Rd. (Ward 13). Received.

#### File No. 1091-18.

RE: #6516310. Transfer of Ownership Application, D5 D6. Ohio City Galley LLC, 1400 West 25th St. (Ward 3). Received.

#### File No. 1092-18.

RE: #1377905. Stock Application, D5J D6. Chapati Uptown LLC, 11440 Euclid Ave. (Ward 6). Received.

**File No. 1093-18.**

RE: #6238384. Transfer of Ownership Application, D5J. Murillo Bravo LLC, 6416 Detroit Ave. (Ward 15). Received.

**File No. 1094-18.**

RE: #9267054. Transfer of Ownership Application, D1 D2 D3 D6. Victoria Enterprises LLC, 2181 Murray Hill Rd. (Ward 6). Received.

**File No. 1095-18.**

RE: #3472933. Transfer of Ownership Application, C1. H Tamim LLC, 6225 Storer Ave. (Ward 14). Received.

**File No. 1096-18.**

RE: #5088080. New License Application, C1. Lee Harvard, Inc., 3984 Lee Rd. (Ward 1). Received.

**File No. 1097-18.**

RE: #2445795. New License Application, C1. Edwins Butcher Shop, 13024 Buckeye Rd. (Ward 4). Received.

**File No. 1098-18.**

RE: #7166460. Transfer of Location Application, D5. Rafael Ristorante LLC, 10031 Detroit Rd. (Ward 11). Received.

**File No. 1099-18.**

RE: #3470207. Transfer of Ownership Application, D5A D6. HG1 Carnegie OH LLC, 1022 & 1100 Carnegie Ave. (Ward 5). Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 1132-18** — Hon. Judge Carl J. Character.

**Res. No. 1133-18** — Henry Ford.

**Res. No. 1134-18** — Howard McKeller.

**Res. No. 1135-18** — Calvin Williams.

**Res. No. 1136-18** — Hattie B. Winston.

**Res. No. 1137-18** — Cleathel Jane Starks.

**Res. No. 1138-18** — Paul L. Isabella, Jr.

**Res. No. 1139-18** — Jeanne T. O'Connor (nee Dorazil).

**Res. No. 1140-18** — Michael "Buck" Harris.

**Res. No. 1155-18** — James T. Bond Doherty.

**CONGRATULATIONS RESOLUTIONS**

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

**Res. No. 1141-18** — Charles W. Hales.

**Res. No. 1142-18** — Kenneth J. Kovach.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 1143-18** — Cleveland Cultural Gardens Federation "One World Day".

**Res. No. 1144-18** — Tayari Jones.

**Res. No. 1145-18** — Rita Dove.

**Res. No. 1146-18** — Melanated Literary Heritage, Ltd. and Little

Lumpy's Center for Educational Initiatives.

**Res. No. 1147-18** — Ruby L. Terry.  
**Res. No. 1148-18** — Cecelia Philomena (O'Malley) Frischauf.

**Res. No. 1149-18** — James & Jane Bond Doherty.

**Res. No. 1150-18** — Christopher Mitchell.

**Res. No. 1151-18** — Joseph Gates.

**Res. No. 1152-18** — Pandemonium 2018.

**APPRECIATION RESOLUTIONS**

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

**Res. No. 1153-18** — Rita L. Jackson.

**Res. No. 1154-18** — Irene Collins.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 1102-18.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Substance Abuse and Mental Health Services Administration for the Recovery Project III to expand evidence-based treatment for Specialized Dockets defendants; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.**

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

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to apply for and accept a grant in the amount of \$2,000,000, and any other funds that become available during the grant term, for the Recovery Project III program to expand evidence-based treatment for Specialized Dockets defendants from the Substance Abuse and Mental Health Services Administration (SAMHSA); that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the legislative summary for the grant contained in the file described below.

**Section 2.** That the legislative summary for the grant, File No. 1102-18-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, unless expressly prohibited by the grant agreement, 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 Finance, on behalf of the Cleveland Municipal Court, 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 4.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with or make payments to Moore Counseling and Mediation Services, Inc., Community Assessment and Treatment Services, Case Western Reserve University, John Carroll University, and other agencies, entities, or individuals, needed to implement the grant as described in the file.

**Section 5.** That the costs of the contract or contracts or any payments authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

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

**Ord. No. 1103-18.**

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

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the United States of America to encroach into the public right of way of Lakeside Avenue and East 9th Street by installing, using, and maintaining 52 bollards and 2 retaining walls.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to the United States of America, 1240 East Ninth Street Cleveland OH 44199 ("Permittee"), to encroach into the public rights-of-way of Lakeside Avenue and East 9th Street by installing, using, and maintaining 52 bollards and 2 retaining walls at the following locations:

Plaza retaining wall 1 along the south rights-of-way of Lakeside Avenue is located 28.00 feet easterly from the intersection of the easterly right of way of East 6th Street (99.00 feet wide) and the southerly right of way of Lakeside Avenue (99.00 feet wide) and extends northerly approximately 3'9" into the rights-of-way of Lakeside Avenue and easterly 183.00 feet.

Plaza retaining wall 2 along the south rights-of-way of Lakeside Avenue is located at the intersection of the westerly rights-of-way of East 9th Street (99.00 feet wide) and the southerly right of way of Lakeside Avenue (99.00 feet wide) and extends northerly approximately 3'9" into the rights-of-way of Lakeside Avenue and westerly 70.00 feet.

The 46 bollards along Lakeside Avenue are located 211.00 feet easterly from the intersection of the easterly rights-of-way of East 6th Street (99.00 feet wide) and the southerly right of way of Lakeside

Avenue (99.00 feet wide) and extends northerly approximately 19' 8" into the rights-of-way of Lakeside Avenue and easterly 175.00 feet.

The 6 bollards along the westerly rights-of-way of East 9th Street are located 267.00 feet southerly from the intersection of the westerly rights-of-way of East 9th Street (99.00 feet wide) and the southerly rights-of-way of Lakeside Avenue (99.00 feet wide) and extend easterly approximately 5' 8" into the rights-of-way of East 9th Street and southerly 30.00 feet.

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

**Section 2.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 3.** That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City's Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

**Section 4.** That the permits shall reserve to the City reasonable right of entry to the encroachment location(s).

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

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

**Ord. No. 1104-18.**  
By Council Members J. Jones, Bishop, McCormack, Johnson, Conwell, Brancatelli and Kelley (by departmental request).

**An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for the rehabilitation East 105th Street, Fulton Road/West 28th Street; and East 131st Street; to apply for and accept grants from various entities for the improvements; authorizing the Director of Capital Projects to enter into contracts and agreements to design and construct the improvements and other agreements needed for the improvements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements necessary to make the improvement.**

Whereas, under Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, under Section 164.03 of the Revised Code, the District One Public Work Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; 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 Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding for the following infrastructure capital improvements:

1. East 105th Street rehabilitation from East Boulevard to Greenlawn Avenue;

2. Fulton Road/West 28th Street rehabilitation from Lorain Avenue to Detroit Avenue; and

3. East 131st Street rehabilitation from Miles Avenue to Union Avenue.

**Section 2.** That the Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the city's bonds issued for bridge and road improvements.

**Section 3.** That the Mayor is authorized to accept one or more grants from the Ohio Public Works Commission, acting by and through its Director, and to apply for and accept grants or other funding from other public or private entities, to finance the public improvements of rehabilitation of East 105th Street, Fulton Road/West 28th Street; and East 131st Street, more fully described in Section 1 of this ordinance (the "Improvement"); that the Mayor 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 this ordinance.

**Section 4.** That, provided the City sells bonds in 2019 authorized for the purposes of this ordinance, the City of Cleveland is obligated to provide cash matching funds in the amount of the local share.

**Section 5.** That, provided the City sells bonds in 2019 authorized for the purposes of this ordinance, the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full

and complete canvass by the Director of Capital Projects for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Capital Projects and certified by the Director of Finance.

**Section 6.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

**Section 7.** That, provided the City sells bonds in 2019 authorized for the purposes of this ordinance, the Director of Capital Projects is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 8.** That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement and costs associated with implementing green infrastructure features to address combined sewer overflows. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

**Section 9.** That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

**Section 10.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record all land necessary in making of the public improvement, including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements necessary to make the Improvement. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

**Section 11.** That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

**Section 12.** That the Mayor or Director of Capital Projects is authorized to file all papers and execute all documents necessary to receive

the funds under this ordinance; and that the funds are appropriated for the purposes described in the ordinance.

**Section 13.** That the cost of the contracts, payments, property acquisition, cash matches, and other expenditures authorized shall be paid from the fund or funds to which are credited any grant proceeds authorized under this ordinance, the fund or funds to which are credited any proceeds from the sale of 2019 and/or future bonds if authorized by this Council and sold for this purpose, including both general obligation and utility bonds, from cash contributions accepted and appropriated under this ordinance, Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586 and from any other funds approved by the Director of Finance for this purpose.

**Section 14.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1105-18.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into one or more contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities.

**Section 2.** The aggregate cost of the contracts authorized shall not exceed \$2,303,136, and shall be paid from Fund Nos. 14 SF 043, 14 SF 044, 19 SF 657, and 19 SF 665, RQS 8006, RL 2018-0095.

**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 Community Development, Finance, Law; Committees on Development Planning and Sustainability, Finance.

**Ord. No. 1106-18.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with T & G Flying Club, Inc. for the lease of space in the passenger terminal building at Burke Lakefront Airport for operation of a flight training school, aircraft rental program, and related services for student pilots, for the Department of Port Control, for a period of one year, with four one-year options to renew, the third of which is exercised by additional legislative authority.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with T & G Flying Club, Inc. ("Lessee") for use and occupancy of approximately 1,552 square feet of office space located in the terminal building at Burke Lakefront Airport and generally known as Suite No. 184 ("Leased Premises") for operation of a flight training school, aircraft rental program, and related services for student pilots.

**Section 2.** The term of the Lease shall be for a one year period, with four one-year options to renew. The first and second of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The third of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the third of the one-year options to renew is exercised, then the fourth of the one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

**Section 3.** That the per annum rental rate shall be \$27,160.00 and is payable in twelve monthly installments of approximately \$2,263.00; which was determined by an independent third party appraisal, based on fair market value; and the rental rate for each of the option terms shall be adjusted based on the United States Department of Labor, Consumer Price Index: "All Urban Consumers" Cleveland and Akron; however, never lower than the rate during the initial term.

**Section 4.** That the Lease may authorize Lessee to make improvements to the Leased Premises subject to approval of the Director of Port Control and appropriate City agencies and officials.

**Section 5.** That the Director of Port Control, the Director of Law, and other appropriate City officials will have the authority to execute any other documents and certificates, and may take any other actions that may be necessary or appropriate to implement this ordinance.

**Section 6.** That the Lease authorized shall be prepared by the Director of Law.

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

Referred to Directors of Port Control, Finance, Law; Committees on Transportation, Finance.

**Ord. No. 1107-18.**

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

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide quality assurance and surveying services for airport-related projects, for a period of one year, with three one-year options to renew, the second of which requires additional legislation.**

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

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

**Section 1.** That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide quality assurance and surveying services for airport-related projects, for a period of one year, with three one-year options to renew, for the various divisions of the Department of Port Control. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

**Section 2.** That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 126, 60 SF 128, 60 SF 130, 60 SF 141, and from the fund or funds to which are

credited any grant proceeds accepted for the purposes of this ordinance and any passenger facility charges, if authorized for this purpose, Request No. RQS 3001, RL 2018-93.

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

**Ord. No. 1108-18.  
By Council Members Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of recycled or virgin asphalt concrete, for the Division of Streets, Department of Public Works.**

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

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

**Section 1.** That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for requirements for a term of one year or two years for the necessary items of recycled or virgin asphalt concrete in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Works is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Works by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the proceeds from the sale of bonds, if issued for this purpose, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 7016, RL 2018-28)

**Section 3.** That under Section 108(b) of the Charter, the purchases

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

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

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

**Ord. No. 1109-18.  
By Council Members Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2017-18 school year.**

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2017-18 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; and

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

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

**Section 1.** That the Directors of Public Works and Finance are authorized to enter into one or more contracts with the Cleveland Metropolitan School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2017-18 school year, under the 2016-17 program description contained in File No. 1109-18-A. The cost of the contract or contracts shall not exceed \$950,000 and shall be paid from Fund No. 11 SF 035, Request No. RQS 7001, RL 2018-25.

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

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

**Ord. No. 1110-18.  
By Council Members Zone and Kelley (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of self-contained breathing apparatus, for the Division of Fire, Department of Public Safety, for a term of one year, with one option to renew for an additional one-year period, exercisable by the Director of Public Safety.**

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

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

**Section 1.** That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a term of one year, with one option to renew for an additional one-year period, exercisable by the Director of Public Safety of the necessary items of self-contained breathing apparatus, in the estimated sum of \$1,300,000, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Fire, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety 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 3.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 6001, RL 2018-35)

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

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

**Ord. No. 1111-18.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of valves, actuators, and appurtenances, and labor and materials needed to repair, replace, maintain, exercise, and test valves, actuators and appurtenances, for the Division of Water, Department of Public Utilities, for a period of two years.**

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

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

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

**Section 2.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 3.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the proceeds from the sale of future bonds, if authorized for this purpose, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2018-26)

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

shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1112-18.**

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

**An emergency ordinance approving the addition of certain property to the Northeast Ohio Advanced Energy District; accepting and approving a petition and plan from a property owner in the District identifying a special energy improvement project, declaring it necessary to conduct the special energy improvement project providing for the assessment of the cost and expense of such special energy improvement project; and authorizing the Director of Economic Development to enter into an Energy Project Cooperative Agreement and a Special Assessment Agreement to implement the project; and declaring an emergency.**

Whereas, this Council adopted Resolution No. 1078-10 and passed Ordinance No. 1551-13, which authorized the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District, formerly known as the Cleveland First-Suburbs Development Council Advanced Energy Special Improvement District (the "District"); and

Whereas, the District is an energy special improvement district formed under Chapter 1710 of the Ohio Revised Code (the "Revised Code") and is authorized to levy assessment to pay costs for developing and implementing plans for public improvements and public services that benefit the energy special improvement district; and

Whereas, Chapter 1710 of the Revised Code authorizes property owners to petition the City to add their property to the District and request the imposition of a special assessment on their property to support a special energy improvement project; and

Whereas, Shaker West Professional LLC (the "Owner") is the owner of Permanent Parcel No. 129-08-006, located at 11811 Shaker Blvd., Cleveland, Ohio, 44120 (the "Property"), which constitutes one hundred percent of the property proposed to be added to the District, and has submitted a petition (the "Project Petition") to the City and the District requesting that the Property be added to the District and that a special assessment be placed upon the Property to secure the Project Advance (as that term is defined in the Cooperative Agreement) from Greenworks Lending LLC (the "Lender") to fund the special energy improvement project further described in the plans and specifications (the "Project Plan") attached to the Project Petition; and

Whereas, the District has reviewed and approved the Project Petition and the Project Plan and under Section 1710.02(E) of the Revised Code, the Project Petition and the Project Plan are to be approved or disapproved by ordinance of this Council within sixty days of filing of the Project Petition with the City; 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 Project Petition and the Project Plan placed in File No. 1112-18-A are approved, and this Council consents to the addition of the Property to the District.

**Section 2.** That it is determined and declared necessary and conducive to the public health, convenience, and welfare of the City to conduct the special energy improvements as defined in the Project Plan for a 20-year period and that the Property will be specifically benefited by the special energy improvement projects and shall be assessed to pay for the costs of the special energy improvement projects, calculated based on an Energy Project Cooperative Agreement between the City, the District, the Lender, and the Owner (the "Cooperative Agreement").

**Section 3.** That the Project Plan placed in the above-mentioned file is approved at an estimated total cost of \$777,851.60 which is sufficient to pay the costs of the Project, including other related financing costs set forth in the Project Petition and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, which shall accrue at the annual rate of 5.25%, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds been issued by the District.

The Special Assessments are assessed against the Property commencing in tax year 2019 for collection in 2020 and shall continue through tax year 2038 for collection in 2039; provided, however, if the proceedings relating to the Special Assessments are completed at such time that the County Fiscal Officer of Cuyahoga County, Ohio determines that collections shall not commence in 2020, then the collection schedule may be deferred by one year. The semi-annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum semi-annual amount of Special Assessments as shown in the Project Petition.

All Special Assessments shall be certified by the Clerk of Council to the County Fiscal Officer pursuant to the Petition and Chapter 727.33 of the Revised Code to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Project Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Project Petition and the List of Special Assessments attached to the Project Petition.

**Section 4.** That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the special assessments.

**Section 5.** That the Commissioner of Assessments and Licenses is authorized to prepare and file in the



Office of the Clerk of Council a list of special assessments under the provisions of this ordinance showing the amount of the special assessments against each lot or parcel of land to be assessed in accordance with the Project Petition and the Project Plan. When the special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this ordinance and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

**Section 6.** That the Director of Economic Development is authorized to enter into the Cooperative Agreement with the City, the County, the Lender, the District, and the Owner, or its designee, and a Special Assessment Agreement with the

Lender, the District, or the Owner, or its designee, to provide for the calculation, imposition, and payment of the special assessments.

**Section 7.** That any such agreements shall be prepared by the Director of Law.

**Section 8.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing, and servicing of the special assessment. The fees shall be deposited to and expended from 17 SF 305, Loan Fees Fund.

**Section 9.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this

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

**Section 10.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1113-18.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance to amend Section 25 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 25 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 1166-15, passed October 5, 2015, and Ordinance No. 912-18, passed August 15, 2018, is amended to read as follows:

**Section 25. International Brotherhood of Electrical Workers, AFL-CIO, Local 39.** That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Cable Foreman.....	36.50	37.82
2. Cable Splicer I.....	32.33	33.58
3. Cable Splicer Apprentice 1.....	25.51	26.02
4. Cable Splicer Apprentice 2.....	25.93	26.45
5. Cable Splicer Apprentice 3.....	26.45	26.98
6. Cable Splicer Apprentice 4.....	27.48	28.03
7. Cable Splicer Helper 2.....	26.17	27.29
8. Cable Splicer Helper Start.....	23.43	24.49
9. Dispatcher Electric System Operator.....	31.31	32.54
10. Electric Meter Industrial Installer.....	32.22	33.46
11. Electric Meter Industrial Installer Leader.....	33.80	35.08
12. Electric Meter Instrument Specialist and General Tester.....	32.58	33.83
13. Electric Meter Service Foremen.....	36.50	37.82
14. Electric Meter Service Installer I.....	30.02	31.80
15. Electric Meter Service Installer II.....	27.97	29.12
16. Electric Transmission and Distribution Inspector.....	<del>34.05</del> <b>34.64</b>	<del>35.86</del> <b>35.33</b>
17. Gas Turbine Mechanic.....	30.02	31.81
18. Gas Turbine Mechanic Apprentice.....	25.51	28.03
19. Intern Apprentice.....	15.62	16.25
20. Junior Electric Switchboard Operator.....	25.67	26.81
21. Line Clearance Man.....	25.28	27.85
22. Line Foreman.....	36.50	37.82
23. Line Helper Driver.....	20.35	27.29
24. Line Helper Trouble.....	25.12	27.29
25. Line Switchman.....	36.04	37.35
26. Lineman.....	32.33	33.58
27. Lineman Apprentice 1.....	25.70	26.21
28. Lineman Apprentice 2.....	26.17	26.69
29. Lineman Apprentice 3.....	26.71	27.24
30. Lineman Apprentice 4.....	27.68	28.23
31. Lineman Leader.....	35.17	36.48
32. Low Tension Leader Lineman.....	34.45	35.73
33. Low Tension Line Foreman.....	35.87	37.20
34. Low Tension Lineman.....	30.17	31.37
35. Low Tension Lineman Apprentice 1.....	25.21	25.71
36. Low Tension Lineman Apprentice 2.....	25.68	26.19
37. Low Tension Lineman Apprentice 3.....	26.71	27.24
38. Low Tension Lineman Leader.....	34.45	35.73
39. Low Tension Trouble Lineman.....	33.76	35.03
40. Meterman Apprentice 1.....	25.15	26.65
41. Meterman Apprentice 2.....	25.56	26.07

42.	Meterman Apprentice 3.....	26.09	26.61
43.	Meterman Apprentice 4.....	27.07	27.61
44.	Senior Cable Splicer.....	34.05	35.33
45.	Senior Electric Switchboard Operator.....	28.28	29.46
46.	Senior Lineman.....	34.05	35.33
47.	Switchboard Operator Repair Foreman.....	36.50	37.82
48.	Telecommunications Technician.....	33.76	35.03
49.	Traffic Signal Control Technician 1.....	35.73	37.05
50.	Traffic Signal Control Technician 2.....	35.15	36.44
51.	Transformer/Gas Turbine Repair Foreman.....	36.50	37.82
52.	Transformer/Gas Turbine Repairman.....	30.02	31.80
53.	Transformer/Gas Turbine Repairman Apprentice 1.....	25.51	26.02
54.	Transformer/Gas Turbine Repairman Apprentice 2.....	25.93	26.45
55.	Transformer/Gas Turbine Repairman Apprentice 3.....	26.45	26.98
56.	Transformer/gas Turbine Repairman Apprentice 4.....	27.48	28.03
57.	Trouble Lineman.....	35.21	36.51
58.	Trouble Lineman Foreman.....	37.35	38.70
59.	Underground Conduit Foreman.....	36.50	37.82

**Section 2.** That existing Section 25 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 1166-15, passed October 5, 2015, and Ordinance No. 912-18, passed August 15, 2018, 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 Human Resources, Finance, Law; Committee on Finance.

**Ord. No. 1114-18.**

**By Council Member Kelley (by departmental request).**

**An emergency ordinance to amend Sections 58 and 59 of Ordinance No. 323-18, 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 the following sections:

Section 58 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 810-18, passed July 18, 2018; and

Section 59 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 562-18, passed May 14, 2018 and Ordinance No. 810-18, passed July 18, 2018 are amended to read as follows:

**Section 58. Division of Fire; Fire Chief and Assistant Fire Chief**

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

	<b>Minimum</b>	<b>Maximum</b>
1. Fire Chief.....	\$64,407.00	\$184,847.00
2. Assistant Fire Chief.....	118,864.99	<del>124,828.60</del> <b>127,236.14</b>

**Section 59. Division of Fire; Various Positions**

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

	<b>Minimum</b>	<b>Maximum</b>
1. Battalion Chief.....	<del>\$92,262.28</del> <b>\$92,030.16</b>	<del>\$97,520.16</del> <b>\$99,403.24</b>
2. Captain.....	79,554.56	<del>84,077.73</del> <b>85,692.45</b>
3. Lieutenant.....	68,512.56	<del>72,480.81</del> <b>73,872.81</b>
4. Firefighter - Journeyman.....	58,993.59	63,683.46
5. Firefighter Medic.....	45,904.64	91,042.46
6. Apprentice - Medic III.....	53,227.55	<del>57,292.18</del> <b>57,292.10</b>
7. Apprentice - Medic II.....	51,727.55	55,792.10
8. Apprentice - Medic I.....	50,727.55	54,792.10
9. Trainee.....	10.50	15.00

**Section 2.** That the following existing sections:

Section 58 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 810-18, passed July 18, 2018; and

Section 59 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 562-18, passed May 14, 2018 and Ordinance No. 810-18, passed July 18, 2018 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 Human Resources, Finance, Law; Committee on Finance.

**Ord. No. 1115-18.  
By Council Members Zone and  
Kelley (by departmental request).  
An emergency ordinance to amend  
Sections 135.01, 181.101 and 615.14, of  
the Codified Ordinances of Cleve-  
land, Ohio, 1976, as amended by various  
ordinances; and to repeal various  
sections of Chapter 135, of the  
codified ordinances, including 135.57  
for the discontinuance of the Divi-  
sion of Corrections, relating to ces-  
sation of jail operations by the City  
of Cleveland.**

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, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the duties of the Director of Public Safety are amended, and for such purpose Section 135.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 171-06, passed December 11, 2006, are amended as follows:

**Section 135.01 Establishment;  
Duties of Director**

There is established a Department of Public Safety, to be controlled and administered by a Director of Public Safety, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Mayor. The Director shall be the executive head of the police and fire forces of the City under the direction of the Mayor and shall be the appointing authority. The Director may appoint and employ officers and employees as may be necessary for the operation of this office and the several divisions and activities comprising the Department, except officers and employees appointed by division heads other than the Chiefs of Police and Fire under the provisions of Charter Section 79. ~~The Director shall have power to receive persons sentenced or committed to penal and correctional institutions within the Public Safety Department from jurisdictional institutions other than the City, and to release and parole all prisoners sentenced or committed to penal or correctional institutions within the Public Safety Department, except prisoners of the Federal government.~~

**Section 2.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the duties of the Director of Public Safety are amended, and for such purpose existing Section 135.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1871-06, passed December 11, 2006, is repealed.

**Section 3.** That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Division of Corrections is discontinued and Section 135.57 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1871-06, passed December 11, 2006, is repealed.

**Section 4.** That Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 497-08, passed June 2,

2008, and Section 615.14 of the codified ordinances, as amended by Ordinance No. 90-96, passed March 18, 1996, are amended to read as follows:

**Section 181.101 Purchase or Rental of Commodities, Goods, and Services**

(a) The Director of Finance, or other appropriate director, is authorized to enter into one (1) or more standard or requirement contracts for purchase or rental agreements or leases with or without an option to purchase, when the Director of Finance determines they are financially advantageous, duly let to the lowest and best bidder following the procedures stated in Section 181.10, for the following commodities, goods, or services that are required for the usual daily operation of the various departments of the City, provided that the estimated amount per contract year on any individual contract shall not exceed two hundred fifty thousand dollars (\$250,000.00):

(1) Except when a public improvement, building construction materials including, but not limited to, bricks, ready-mix concrete, dry wall, lumber, paint, and roofing;

(2) Except when a public improvement, building maintenance and repair including, but not limited to, parts and services for doors, elevators, HVAC, mechanical systems, roofs, and windows;

(3) Except when a public improvement, road, sidewalk, and sewer repair and replacement materials, supplies, and services, including but not limited to, tack coat, manhole risers, crack sealing material, emulsion, cold mix, guard rail supplies, liquid de-icer, salt inserts, traffic control devices, quicklime, and disposal of materials;

(4) Construction equipment, without operators, including, but not limited to, earth, snow, and debris moving and removal, and materials, supplies, parts, and repair and maintenance services for them;

(5) Cleaning and janitorial maintenance equipment, services, and supplies including, but not limited to, chemicals including pool chemicals, odor control, paper products, and pest control;

(6) Educational and photographic equipment, supplies, parts, and maintenance and repair services for them;

(7) Electrical supplies including, but not limited to, batteries, fixtures, lighting, and wiring;

(8) Fuels and lubricants including, but not limited to, diesel, gasoline, natural gas, grease, and oil, and delivery of them;

(9) Food and beverages for facility-user consumption at Camp Forbes, ~~House of Correction, City jails,~~ and for resale at Highland and Seneca Golf Courses;

(10) Hardware including, but not limited to, handheld tools and fasteners;

(11) Industrial gases including, but not limited to, acetylene, argon, nitrogen, and oxygen;

(12) Laboratory and testing equipment and lab supplies and services;

(13) Except when a public improvement, landscaping equipment, materials, supplies, parts, and repair and maintenance services, and supplies including, but not limited to, indoor and outdoor plants, grounds, and trees materials and

maintenance and repair of any of them, and plant rentals;

(14) Medical equipment, materials, and supplies including, but not limited to, first-responder/first-aid supplies, and pharmaceuticals;

(15) Mail, messenger, and moving services;

(16) Office supplies, furniture, and equipment including, but not limited to, computers, computer peripherals and appurtenances, office machines, copiers, printers, and printing and mailing equipment, and materials, supplies, parts, and repair and maintenance services for any of them;

(17) Paper products including, but not limited to, fine papers, printing media, envelopes, and printed forms;

(18) Plumbing equipment, materials, supplies, and parts including, but not limited to, pipe, fittings, and fixtures;

(19) Power tools, portable powered machines, electric motors, pumps, powered appliances, and milling and tapping machines, including materials, supplies, parts, and maintenance and repair services for any of them;

(20) Program promotional items including, but not limited to, advertising specialties, caps, and printed T-shirts;

(21) Property protection equipment, materials, supplies, parts, and repair and maintenance services, including, but not limited to, fire extinguisher and fire suppression equipment and testing, locksmith services and supplies, property and casualty insurance covering City property and buildings, and security services;

(22) Records management systems and services including, but not limited to, microfilm, microfiche, and compact disc (CD) copying, file storage, data entry, and shredding;

(23) Recreation and sports equipment;

(24) Snow and ice removal services;

(25) Uniforms, work clothing, laundry, towel, and linen service, and supplies; and

(26) Vehicle maintenance and repair equipment, materials, supplies, parts, and services.

Any purchase under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for such purpose.

(b) That under Section 108(b) of the Charter, the purchases authorized by this section may be made through cooperative agreements ~~using state procedures with other governmental agencies.~~ The Director of Finance may sign all documents ~~with the State of Ohio or any of its political subdivisions~~ that are necessary to make the purchases, and may enter into one (1) or more contracts with the vendors selected through that cooperative process.

**Section 615.14 Copying Police and Fire Uniforms**

(a) No person not a member of the Police or Fire Division shall wear a uniform, cap, badge or buttons similar to, or in imitation of the official uniform, cap, badge or buttons at the time in use by members of the Police and Fire Divisions. ~~This section does not apply to guards at the Cleveland House of Correction, or other City inspectors, while such~~

~~guards or inspectors are engaged in the performance of their respective official duties.~~

(b) No person, firm or corporation desiring to provide special police, watchmen, or detective service, either for itself or for hire to others, shall use a distinctive uniform cap, badge or buttons, to be worn by such person or any employees engaged for such purpose, until the form, design and color thereof have first been submitted to and approved by the Director of Public Safety, and a record sufficient to identify the users thereof has been made by the Director.

(c) Whoever violates this section is guilty of copying official uniforms, a minor misdemeanor.

**Section 5.** That existing Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 497-08, passed June 2, 2008, and existing Section 615.14 of the codified ordinances, as amended by Ordinance No. 90-96, passed March 18, 1996, are repealed.

**Section 6.** That the following sections:

Section 135.48, as amended by Ordinance No. 1016-91, passed June 17, 1991,

Section 135.55, as amended by Ordinance No. 370-96, passed June 10, 1996, and renumbered from Section 135.47 by Ordinance No. 1285-96, passed October 21, 1996,

Section 135.58, as amended by Ordinance No. 1871-06, passed December 11, 2006,

Section 135.59, as amended by Ordinance No. 1280-16, passed November 21, 2016, and

Sections 135.60 through and including 125.70, as amended by Ordinance No. 1871-06, passed December 11, 2006 are repealed.

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

**Ord. No. 1116-18.  
By Council Members Zone, Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property located at 7501 Madison Avenue needed for expanding the Lawn-Madison Park, for the Department of Public Works.**

Whereas, the Director of Public Works has requested the purchase of property located at 7501 Madison Avenue and known as Permanent Parcel No. 006-05-006 needed for expanding the Lawn-Madison Park; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property needed for expanding the Lawn-Madison Park:

Legal Description PPN: 006-05-006  
Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio:

And Known as being Sublot No. 109 and the Easterly 5 feet of Sublot No. 110 in Elwell and Marvin's Subdivision of part of Original Brooklyn Township Lot No. 28 as shown by the recorded plat in Volume 3 of Maps, Page 34 of Cuyahoga County Records and together forming a parcel of land 45 feet front on the Southerly side of Madison Avenue N.W. and extending back of equal width 124 feet to the Northerly line of Guthrie Avenue N. W. as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Public Works is authorized to execute on behalf of the City of Cleveland all necessary documents necessary to effect the purposes of this ordinance.

**Section 3.** That the consideration to be paid for this property shall not exceed the appraised value of \$24,000.

**Section 4.** That all costs of acquiring, accepting, and recording the land shall be paid from Fund Nos. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 572, 20 SF 577, 20 SF 584, Request No. RQS 0103, RL 2018-99.

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

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

**Ord. No. 1117-18.  
By Council Members Polensek, Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to make alterations and modifications in Contract No. PI 2017-08 with Vandra Brothers Construction, Inc. for the rehabilitation of East 152nd Street from Woodworth Avenue to Waterloo Road.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to make the following alterations and modifications in Contract No. PI 2017-08 Vandra Brothers Construction, Inc. for the rehabilitation of East 152nd Street from Woodworth Avenue to Waterloo Road:

Subsidiary Additions - New Items

Additional pavement repairs of pavement base	\$250,000
Total Additions - New Items	\$ 250,000.00
TOTAL SUBSIDIARY ADDITIONS	\$ 250,000.00
Original Contract Amount	\$5,633,036.80
Total Subsidiary Additions	<u>250,000.00</u>
New Contract Amount	\$5,883,036.80

which alteration has been recommended in writing by the Director of Capital Projects, countersigned by the Mayor, and consented to by the surety on the contract. The price to be paid for the alterations and modifications to the contract has been agreed upon in writing and signed by the Director of Capital Projects and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$250,000 to be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 584, 20 SF 586, 52 SF 001, and 54 SF 001. (RQS 0103, RL 2018-98)

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

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

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

**Ord. No. 1118-18.**

**By Council Members J. Jones, Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to make alterations and modifications in Contract No. CT 7004 PI 2017-54 with Apex Construction and Management Company, Inc. for the repair to the pool ceiling at the JFK Recreation Center.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to make the following alterations and modifications in Contract No. CT 7004 PI 2017-54 with Apex Construction and Management Company, Inc. for the repair to the pool ceiling at the JFK Recreation Center:

Subsidiary Additions – New Items

Installing protective netting above the pool and anchor straps, repairing electrical conduit, providing scaffolding, repairing a wall in the office and mezzanine, cleaning ducts and steel members, and providing construction contingency

Subsidiary Additions – New Items	\$40,000
Total Additions – New Items	\$ 40,000.00
TOTAL SUBSIDIARY ADDITIONS	\$ 40,000.00
Original Contract Amount	\$162,490.00
Total Subsidiary Additions	<u>40,000.00</u>
New Contract Amount	\$202,490.00

which alteration has been recommended in writing by the Director of Capital Projects, countersigned by the Mayor, and consented to by the surety on the contract. The price to be paid for the alterations and modifications to the contract has been agreed upon in writing and signed by the Director of Capital Projects and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$40,000 to be paid from Fund Nos. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 572, 20 SF 577, and 20 SF 58. (RQS 0103, RL 2018-18)

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

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

**Ord. No. 1119-18.**

**By Council Members J. Jones, Bishop, Johnson and Kelley (by departmental request).**

**An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for the improvement of East 131st Street from Miles Avenue to Forestdale Drive in the Cities of Cleveland and Garfield Heights; authorizing the Director of Capital Projects to enter into agreements; to apply for and accept an allocation of County Motor Vehicle License Tax Funds; and to cause payment to the County for the City's share of the improvement.**

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

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

**Section 1. Consent.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: improvement of East 131st Street from Miles Avenue to Forestdale Drive in the Cities of Cleveland and Garfield

Heights (County ID No. 1235) (the "Improvement").

**Section 2. Cooperation**

(a) That the City will cooperate with the County in the Improvement.

(b) That the County will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the Improvement, under Current Cuyahoga County standards for construction of County roads and bridges.

(c) That the County will arrange for the supervision and administration of the construction project.

(d) That the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County to be not eligible or made necessary by the Improvement.

**Section 3. Funding**

(a) That the City agrees to cooperate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project.

(b) That if funds administered by the Ohio Public Works Commission are used for this project, the amount

of such funds will be deducted from designated project cost prior to the application of the participatory percentages specified in this ordinance.

(c) Within the corporate limits of the City, the City will be responsible for 40% and the County will be responsible for 60% of the cost of the preparation of construction plans and specifications, including necessary engineering reports for the Improvement.

(d) Within the corporate limits of the City, the City will be responsible for 20% and the County will be responsible for 80% of the cost of construction, including the supervision and administration of the construction, for the improvement.

(e) That the City agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the project or agrees to enter into an escrow agreement with the County prior to an award of a contract for the Improvement.

**Section 4. Maintenance.** That upon completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code; and

(d) After construction of the Improvement is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

**Section 5. Traffic.** That on completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

(b) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A)(6) of Section 4511.07 of the Revised Code;

(c) That stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the above-mentioned Manual are met;

(d) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded; and

(e) The City shall regulate parking in the following manner: Prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

#### **Section 6. Right-of-Way**

(a) That all existing street and public right-of-way within the City which is necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required, the City will arrange for the acquisition.

#### **Section 7. Utilities**

(a) That the City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the

companies have agreed to make necessary rearrangements immediately after notification by the City.

(b) That the County will pay the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(c) That it is agreed that the City shall cooperate with the County to make all arrangements of governmentally-owned utilities and/or appurtenances that do not comply with the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether whether inside or outside the corporate limits, as may be necessary to conform to the Improvement.

(d) That the construction, reconstruction, and/or arrangement of all utilities shall be done in a manner as not to interfere unduly with the operation of the contractor constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangements shall be performed under the provisions of the ODOT Construction and Material Specifications.

#### **Section 8. Miscellaneous**

(a) That if the County is formally requested by ordinance of this Council to include the construction of sanitary sewers, water lines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the County will do so, provided that the construction meets with the approval of the County and the City involved in this Improvement; and that the City agrees to pay, or make arrangements for the payment of the cost of the construction, cost of preliminary and design engineering, and construction supervision.

(b) For purposes of this ordinance, the agent for the County and liaison officer shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

(c) That the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The City also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of Chapters 304 and 1306 of the Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the County.

**Section 9.** That the Director of Capital Projects is authorized to enter into agreements necessary to complete the Improvement.

**Section 10.** That the Director of Capital Projects is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes set forth above.

**Section 11.** That this Council requests the County to proceed with the Improvement.

**Section 12.** That this Council authorizes payment to the County for the City's share of the Improvement, payable from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, from the fund or funds to which are credited the proceeds from the sale future bonds, if issued for this purpose, and from any funds approved by the Director of Finance. (RQS 0103, RL 2018-96)

**Section 13.** That the Clerk of Council is directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect.

**Section 14.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

#### **Ord. No. 1120-18.**

**By Council Members J. Jones, Johnson and Kelley (by departmental request).**

**An emergency ordinance to amend Sections 2 and 15 of Ordinance No. 628-17, passed June 5, 2017, relating to an agreement with the City of Garfield Heights to make the public improvement of reconstructing Johnston Parkway from McCracken Road to Velma Avenue.**

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

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

**Section 1.** That Sections 2 and 15 of Ordinance No. 628-17, passed June 5, 2017, are amended to read as follows:

Section 2. That Cleveland agrees to participate with Garfield Heights in the cost of the reconstruction project by contributing approximately ~~twenty-one percent (21%)~~ **twenty-nine percent (29%)** of the total design, construction, and construction administration costs, estimated to be ~~\$1,050,000~~ **\$1,685,329** for the City of Cleveland's portion of the improvement.

Section 15. That the costs of this ordinance shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, **20 SF 579, 20 SF 586**, from the fund or

funds to which are credited any proceeds from the sale of bonds authorized by Ordinance No. 413-17, passed April 24, 2017, the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, cash matches, cash contributions accepted and appropriated under this ordinance, and from any and all funds approved by the Director of Finance. (RQS 0103, RLA 2017-17 and RQS 0103, RLA 2018-48)

**Section 2.** That existing Sections 2 and 15 of Ordinance No. 628-17, passed June 5, 2017, 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 Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 1121-18.**

**By Council Members Zone, McCormack and Brancatelli.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland Ohio, 1976 by enacting new Sections 341.051, 341.052, 341.053, and 509.21, and by amending Sections 341.05, 352.05, 352.06, 3115.04, 509.14, 509.99, and 510.04, as amended by various ordinances, related to tree preservation and tree protection during construction and by service providers in the public right-of-way, civil penalties for damaged and removed trees, and establishing a Tree Preservation Fund.**

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

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

**Section 1.** That the Codified Ordinances are supplemented by enacting new Sections 341.051, 341.052, 341.053, and 509.21 to read as follows:

**Section 341.051 Tree Preservation Plan Required**

(a) For any development project situated on one (1) or more acres of land, and for apartment, townhome or condominium projects of four (4) or more units situated on any size parcel of land, a Tree Preservation Plan shall be submitted as part of the Building Permit application. The Tree Preservation Plan shall be approved by the Commissioner of Park Maintenance and Properties (Commissioner) or a designee before a Building Permit is issued. A Tree Preservation Plan is not required for single-family dwellings, two-family dwellings, and three-family dwellings or for any person, firm, or corporation demolishing a building or structure pursuant to a valid demolition permit issued under Chapter 3115 of this Code.

(b) The Tree Preservation Plan shall include: (1) the location, botanical name, dimension at breast height (DBH), and vertical height

of all existing trees on the property; (2) the intent to preserve, relocate, or replace each tree; (3) measures to be taken to protect new and mature trees during construction, and to protect roots and soil during construction, following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time; and (4) any other information the Commissioner or a designee requires to determine compliance with this chapter. The Tree Preservation Plan shall be adhered to during all phases of construction on any development project for which a Tree Preservation Plan is required.

(c) The Commissioner or designee shall review all Tree Preservation Plans and notify the City Planning Director of approval or disapproval within thirty (30) business days of submittal of the Tree Preservation Plan. When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant. The notice shall specify the modifications, terms and conditions that are necessary for approval of the plan. The Commissioner or designee may make periodic inspections of trees within the development site to ensure compliance with this chapter. If the Commissioner does not approve or disapprove the Tree Preservation Plan within thirty (30) business days of its submittal, the Tree Preservation Plan is deemed approved.

**Section 341.052 Tree Preservation General Requirements**

The following are basic provisions for the preservation of private and public trees during construction of development projects on one (1) or more acres of land, for apartment, townhome or condominium projects of four (4) or more units situated on any size parcel of land, and for protecting public trees under Section 509.14.

(a) All trees with a DBH of over six (6) inches shall be preserved, maintained and protected during construction, a tree's roots shall be protected, and the size of the Tree Protection Zone shall be, in accordance with *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time.

(b) Trees on the property shall not be removed without prior written approval from the Commissioner of Park Maintenance and Properties (Commissioner) or a designee and only if one (1) or more of the following situations apply:

(1) The tree poses a risk. To verify that a risk exists, the City may require a tree risk assessment be performed by the Commissioner or designee or an International Society of Arboriculture (ISA)-Certified Arborist with the ISA qualification.

(2) The tree is planted too close to an existing structure, such that it is either damaging or has the clear potential to damage the structure.

(3) The tree inhibits an infrastructure repair due to its proximity to the needed infrastructure repair. Trees should not be removed simply because a sidewalk is raised or cracked, because the removal of the tree will not repair the damage.

(4) The tree has structural defects (e.g., split trunk, poor branch attachments), is damaged to the point that it cannot recover and grow properly, or that it will grow in a misshapen or unsightly manner that could result in failure.

(5) The tree is infested with an epidemic insect or disease where the recommended control is not applicable and removal is necessary to prevent transmission of the insect or disease to other trees. The City may require this condition to be verified by the Commissioner or designee or an ISA-Certified Arborist.

(6) The Commissioner or a designee determines that the removal of the tree is necessary to carry out construction in compliance with approved plans.

(7) A person, firm or corporation may appeal the decision whether to remove a tree to the Commissioner within 10 business days of the date of the notice of the decision. The Commissioner shall have jurisdiction to affirm, reverse or modify the decision and shall do so within 10 days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

(c) A tree that is removed shall be replaced with a tree of appropriate species as selected by the Commissioner or designee and in a location where it will grow to replace the removed tree without posing the risks for which the tree was removed. Instead of replacing a tree removed pursuant to this section, a developer may reimburse the City the value of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication. All funds collected pursuant to this division shall be deposited in the Tree Preservation Fund established under Chapter 509 of the Codified Ordinances.

**Section 341.053 Civil Penalties for Damaged Trees or Trees Removed Without Approval**

(a) Any person, firm, or corporation required to submit a Tree Preservation Plan that damages a tree located in the development site, due to the failure to properly protect or maintain the tree during construction pursuant to Section 341.052, whether by negligence or otherwise, shall be charged one thousand dollars (\$1000.00) per area of damage to the above ground portion of the tree. If the damage can be repaired or reduced following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time, the party responsible for the damage shall hire an ISA-Certified Arborist to repair or reduce the damage at the cost of the responsible party. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner of Park Maintenance and Properties (Commissioner) or designee, the Commissioner may waive the civil fine.

(b) Any person, firm, or corporation required to submit a Tree Preservation Plan that harms a tree within the development site by failing to properly protect the roots in violation of Section 341.052 or division (e) of Section 352.05, such that an ISA-Certified Arborist believes the tree will fall or decline and die within two (2) calendar years of the date of completion of construction, shall be charged the full value of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(c) Any person, firm or corporation required to submit a Tree Preservation Plan that removes any tree located in the development site in violation of Section 341.052, shall be charged a civil fine of \$1,000 for each tree removed in addition to the full cost of any removed tree based on the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(d) The Commissioner or a designee shall have the authority to charge the civil fines set forth in this section. All civil fines collected pursuant to this section shall be deposited in the Tree Preservation Fund established under Chapter 509 of the Codified Ordinances.

(e) A person, firm or corporation required to submit a Tree Preservation Plan that receives a civil fine under this section may appeal to the Commissioner within 10 business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse, or modify the decision and shall do so within 10 days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

#### **Section 509.21 Tree Preservation Fund**

The Director of Finance shall establish a Tree Preservation Fund for the purpose of supporting the preservation, protection, maintenance, purchase and planting of trees in the City. Civil fines and funds collected as a result of damage to trees or removal of trees in violation of, or to adhere to, applicable sections of this Code, shall be deposited in the Tree Preservation Fund for disbursement as set forth in this section.

**Section 2.** That the Codified Ordinances are supplemented by amending Section 341.05 of the Codified Ordinances, as amended by Ordinance No. 1827-08, passed February 9, 2009, Sections 352.05 and 352.06, as amended by Ordinance No. 3077-A-89, passed June 17, 1991, Section 3115.04 as amended by Ordinance No. 799-90, passed June 18, 1990, Section 509.14, as enacted by Ordinance No. 63410-A, passed September 22, 1924, Section 509.99, as amended by Ordinance No.

2096-66, passed December 12, 1966 and Section 510.04, as amended by Ordinance No. 1242-A-07, passed October 8, 2007 to read as follows:

#### **Section 341.05 Administrative Procedures**

The following procedures are established to govern the processing of applications for Building Permits subject to the regulations of this chapter.

(a) *Contents of Application.* In addition to meeting application requirements established in the Building Code and Zoning Code for Building Permit applications, applications governed by the provisions of this chapter shall include the following elements.

(1) Color photographs showing the subject property in the context of adjoining properties within two hundred fifty (250) lineal feet on either side of the subject property.

(2) Architectural drawings including elevation drawings and site plans for the construction or exterior alterations proposed, indicating design materials, colors, illumination, sign placement, and landscaping.

(3) In the case of a proposed demolition, a plan showing the proposed re-use of the property, including both interim and long-term reuse plans, if appropriate.

(4) Information indicating project elements that contribute to an environmentally sustainable development.

**(5) A Tree Preservation Plan, if required, pursuant to this chapter.**

~~(5)~~ (6) Other materials listed in guides that may be prepared by the staff of the City Planning Commission and provided to applicants.

(b) *Determination of Applicability and Transmittal to City Planning Director.* Upon receipt of an application for a Building Permit, the Director of Building and Housing shall use the standards of Section 341.02 to determine whether the proposed action is governed by the provisions of this chapter. If it is determined that the action is governed by these provisions, the Director of Building and Housing shall promptly transmit the application to the Director of the City Planning Commission.

(c) *Transmittal to Local Design Review Advisory Committee.* Upon receipt of a complete application, the City Planning Director shall promptly transmit the application for review and recommendation by the Local Design Review Advisory Committee, as established in Section 341.06. Other required City reviews may be conducted concurrently, as appropriate. In the case of an application for an action that the City Planning Director deems to have no significant impact on the design or appearance of the property, the Director may approve the application administratively without referral to the Local Design Review Advisory Committee.

(d) *Standards for Review.* An application received pursuant to the provisions of this chapter shall be reviewed in accordance with the design guidelines of Section 341.07 and any supplemental guidelines adopted by the City Planning Commission for a particular district. **A Tree Preservation Plan received**

**pursuant to this chapter shall be reviewed by the Commissioner of Park Maintenance and Properties in accordance with Section 341.051.**

(e) *Local Design Review Committee Meeting and Action.*

(1) *Meeting.* The City Planning Director shall inform the applicant of the time and location of the Local Design Review Advisory Committee meeting at which the application will be considered. That consideration shall take place at the next regularly scheduled meeting of the Committee occurring at least five (5) days after acceptance of a complete application by the City Planning Director.

(2) *Action.* The Local Design Review Advisory Committee shall recommend either approval, approval with modifications or conditions, or disapproval of the application. The Committee may choose to postpone action in order to permit the applicant to prepare revisions if the applicant agrees to such postponement. If the applicant does not agree to a postponement, the Committee shall take action on the application at the meeting. The Committee shall provide a written record of its recommendation to the City Planning Commission.

(f) *City Planning Commission Meeting and Action.* After action by the Local Design Review Advisory Committee, or a failure to act at a meeting in accordance with the requirements of this section, the City Planning Director shall inform the applicant of the time and location of the City Planning Commission meeting at which the application will be considered. The City Planning Commission shall either approve or disapprove the application or approve the application with modifications or conditions. The Commission may choose to postpone action in order to permit the applicant to prepare revisions if the applicant agrees to such postponement. The Commission shall take action no later than forty-five (45) days after acceptance of a complete application by the City Planning Director unless the applicant has agreed to one (1) or more postponements, including agreed postponements in the Local Design Review Committee process.

(g) *Administrative Approval.* Pursuant to the "Rules of the City Planning Commission" regarding administrative approvals, the City Planning Director is authorized to act on behalf of the Commission in approving applications recommended for approval by the Local Design Review Advisory Committee and for applications that meet the standard stated in division (c) of this section. Use of the administrative approval procedure is not authorized in the case of applications for demolition or moving of buildings, other than for buildings that are deemed to be minor accessory structures. Generally, applications for development of new commercial or institutional buildings and for residential developments involving six (6) or more units shall not be approved without referral to the Local Design Review Advisory Committee and the City Planning Commission.

(h) *Exemptions.* No referral to the City Planning Commission or a Local Design Review Advisory Committee shall be required for projects



approved under the City's Storefront Renovation Program. Such projects may be approved by the action of the City Planning Director subsequent to approval under the Storefront Renovation Program.

**Section 352.05 Requirements for All Landscaped Areas**

(a) *Permitted Forms of Screening.* Screening required in item 2 of the table contained in Section 352.11 and the Screen Barrier required in the table contained in Section 352.10 may take the form of:

- (1) A landscaped earthen berm;
- (2) A concrete or masonry wall;
- (3) A wood, wrought iron, tubular steel, or similar decorative fence as approved by the Director of the City Planning Commission as compatible with the character of the area in which the fence is to be placed;
- (4) A compact hedge or other live evergreen vegetative barrier; or
- (5) A combination thereof.

Fences and walls used to meet screening requirements shall display a finished face toward adjacent streets and properties.

(b) *Types of Landscaping Materials.* As determined by the Commissioner of Parks and Urban Forestry, Park Maintenance and Properties (Commissioner) or a designee, or in accordance with standards promulgated by said the Commissioner or designee, all varieties of living landscape materials used shall be:

- (1) Healthy, hardy, and drought-resistant consistent with the availability of water for artificial irrigation; and
- (2) Suitable for the climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt; and
- (3) Compatible with the slope of the site, with existing vegetation to be preserved and with utility lines above or below ground level; and
- (4) **Tree selection shall be based on recommended species in the Cleveland Tree Plan as it may be amended from time to time. Not prone to cause a nuisance within the public right of way as a result of dropping fruit or debris other than leaves. Where vulnerable to damage, materials shall be protected from pedestrian or vehicular traffic by grates, pavers or other measures.**

(c) *Ground Cover In Landscaped Strips.* Grass or other ground cover shall be planted over all landscaped strips including earthen faces of berms, except in areas planted in flowers, shrubs, or trees, so as to present a finished appearance and reasonably complete coverage within three (3) months after planting.

Non-living landscaping materials such as sand, stones, rocks, or barks may be substituted for living cover over a maximum of thirty percent (30%) of the landscaped area. No artificial plants or turf shall be used.

(d) *Preservation of Landscaping.*  
 (1) *Credit Toward Requirements.* The Commissioner Director of Building and Housing, in consultation with the Commissioner or designee, shall credit healthy trees or shrubs existing on a site prior to development and proposed to be preserved toward the requirements of the table contained in Section 352.11.

Except as provided herein for bonus credits, each preserved tree or shrub meeting the applicable requirements of the table contained in Section 352.11 shall reduce by one (1) the number of new trees or shrubs required.

(2) *Bonus Credit for Larger Trees.* Larger preserved trees shall reduce the number of new trees required in the table contained in Section 352.11 as follows:

Trunk Caliper of Existing Tree to be Preserved*	Reduction in Number of New Trees Required
8 - 16 inches	2 trees
Over 16 inches	3 trees

\* Measured 4.5 feet above grade at base.

(e) *Tree Protection During Construction.* An applicant claiming may claim a credit for preservation of existing trees and shrubs under division (d) of this section, Section 352.05 and shall certify that all trees and shrubs for which a credit is claimed are currently healthy. An applicant shall adhere to the requirements of this section with respect to all trees on the site, including the trees for which the credit is claimed, shall file with the Commissioner of Park and Urban Forestry a written statement certifying that all trees and shrubs are currently healthy and that the requirements of division (c) of Section 352.05 will be adhered to with respect to the trees for which the credit is claimed.

(1) *Tree protection during construction, including bark and root protection, shall be according to Best Management Standards and ANSI Standards for Arboriculture as may be amended from time to time.*

(1) ~~Mechanical and Chemical Injury.~~ Because mechanical injuries to trees intended to be preserved can be caused by soil compaction, unnecessary cutting of roots, fire, collisions with heavy equipment, carelessness with tools, and girdling with guy wires, and chemical injury caused by solvents, thinners, paints, oils, and other materials, protective barriers are required as described herein.

A. *Enclosure of Drip Line Area.* A fence, roping, flagging, or other protective barrier shall enclose the area within the drip line or lines, and any exposed roots outside of such line or lines, of each tree or group of trees proposed for preservation. Such barrier shall be visible enough to be seen easily by equipment operators.

Removal of brush and weeds within this barrier shall be performed with hand tools only. To avoid chemical damage to trees, equipment shall not be cleaned within the barrier.

No equipment materials, fill, or debris shall be stored within the barrier except as may be necessary for a reasonable time if no other storage area is available.

B. *Bark Protection.* Trunks of trees to be preserved that surround the immediate building site and border access roads shall be wrapped with sections of snow fence or boards wired together.

No nails or spikes shall be driven into trees to be preserved, nor shall

such trees be used for signs, fencing, roping, or cables.

(2) ~~Grade Changes.~~ Because changing the grade of the land surrounding a tree can impair the ability of its roots to obtain necessary amounts of air, water, and land minerals, protective measures shall be taken as specified in this division.

A. *Raising of Grade.* Before the grade of the land around a tree to be preserved is raised by land filling, the party undertaking the grading shall:

- 1. Install an aeration system consisting of a dry well around the trunk together with a layer of gravel and stone and a system of drain tiles over the root system at the level of the original grade. Such system shall be configured to provide, in the judgment of the Commissioner of Park and Urban Forestry, adequate air and water circulation and drainage of water away from the trunk; or
- 2. If an aeration system is impractical or financially infeasible, take other measures approved by the Commissioner of Park and Urban Forestry to protect the tree.

B. *Exemption.* Fills are exempt from the requirements of this division if they:

- 1. Are six (6) inches or less in depth; and
- 2. Consist only of porous, loamy, or gravelly soil high in organic matter; and
- 3. Do not contain clay, marl, or other heavy, impervious fills of any depth.

C. *Lowering of Grade.* To protect trees intended to be preserved from removal of or damage to feeder roots or changes to the water table, the area within the drip line shall be separated from the lowered grade by either terracing or, for grade differences of less than two (2) feet, construction of a dry retaining wall.

(3) *Excavations.*  
 A. *Location.* Excavations for utility pipelines shall be routed within the drip line of a tree to be preserved only if in the judgment of the Commissioner Parks and Urban Forestry:

- 1. No other route for the lines bypassing the root area is practical; and
- 2. Tunneling under the roots with a power-driven soil auger is impractical or financially infeasible in relation to the value of the tree.

B. *Root Protection.* Parties excavating within the root area shall:

- 1. Minimize the number of roots cut, especially of large main roots; and
- 2. Cleanly cut with proper tools such roots as must be cut and retrim them after excavation; and
- 3. Paint cuts of roots of one-fourth (1/4) inch diameter or larger with a wound dressing like orange shellac or asphalt based paint; and
- 4. Backfill the trench as soon after excavation as possible to minimize the time roots are exposed to the air; and
- 5. Leave no pockets of air when back filling; and
- 6. Mix peat moss with fill soil to promote new growth.

(4) (2) *Damage Mitigation.* Where, d Despite the foregoing provisions following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended

from time to time, significant damage has been done to the roots, the tree may need to be removed based on the assessment by the Commissioner or a designee. In this case, the owner shall replace the tree with a tree or trees of equal or greater diameter that are approved by the Commissioner or a designee, or the owner shall make payment to the City's Tree Preservation Fund for the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers*, as may be amended from time to time, or other tree replacement analysis provided by similar publication. ~~shall be fertilized and excess branches that cannot be supported by the remaining undamaged roots shall be pruned.~~

Tree limbs damaged during construction shall be addressed following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time, ~~sawed off flush to the trunk.~~

(5) (3) **Removal of Barriers.** Protective fences and barriers around trees shall be removed only as the final stage of post-construction cleanup.

(f) **Berms.** Berms used for screening shall be a minimum of two (2) feet high at all points. The interior face of a berm may be retained by a wall, terrace, or other means acceptable to the Commissioner Director of Building and Housing in lieu of taking the form of an earthen slope.

All earthen berm faces on which ground cover is not yet completely established shall be protected from erosion by a mulch and/or an erosion control net.

Slopes for earthen faces shall not exceed thirty-three percent (33%) if covered with grass and fifty percent (50%) if covered with other vegetative cover.

(g) **Curbing.** All landscaped strips located in or abutting parking areas shall be separated on all sides from the parking surface by curbing consisting of concrete, stone, brick, asphalt, or other material approved by the Commissioner Director of Building and Housing as having comparable appearance and durability. Curbing shall be in good condition upon installation.

(h) **Other.** Other requirements shall be as specified in the table contained in Section 352.11.

#### **Section 352.06 Installation and Maintenance**

(a) **Assurance of Installation.** Before issuing any Certificate of Occupancy for any application to which the provisions of this chapter apply, the Commissioner Director of Building and Housing shall determine that either:

(1) Landscaping and screening required hereunder in this chapter have been fully installed; or

(2) If seasonal or weather conditions or other factors preclude such installation at the time of application, that financial sureties have been submitted to guarantee installation within nine (9) months of the date of issuance of the certificate.

Financial sureties shall be in the form of a performance bond, letter of credit, cash or property escrow,

or other form approved by the Commissioner Director of Building and Housing. They shall be in the amount of one hundred ten percent (110%) of the estimated cost of the materials and their installation based on figures approved by the Commissioner of Park Maintenance and Properties (Commissioner) or a designee. ~~Urban Forestry~~

(b) **Installation Procedures.** All tree materials shall be installed in conformance with the most current procedures established by *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time. All other living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen or its successor organization. A permanently-installed underground irrigation system shall be provided for a required landscape area if it is determined by the Commissioner of Parks and Urban Forestry or a designee that such irrigation is required for proper maintenance of the type of landscape materials proposed for installation.

(c) **Maintenance and Replacement.** The owner, occupant, tenant, and agent of each, if any, shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required under this chapter so as to preserve at least the same quantity, quality, and screening effectiveness as initially installed.

A preserved existing tree to which a bonus credit was applied that dies or is destroyed shall be replaced by either:

(1) A replacement tree or trees of equal or greater caliper diameter approved by the Commissioner or a designee; or

(2) The trees required by the table contained in Section 352.11 without the bonus credit, recommended in the *Cleveland Tree Plan* as it may be amended from time to time; or

(3) The owner may make payment into the City's Tree Preservation Fund for the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers*, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

All living and non-living landscaping, including fences, walls, and ornamental lighting, shall be maintained in a good condition at all times so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

Any unhealthy or dead vegetation shall be replaced with healthy living plantings no later than the end of the next applicable planting season.

(d) **Removal.** Installed landscaping and screening may not be removed except temporarily for replacement or maintenance unless the zoning of an abutting parcel is changed to a district that does not require a Transition Strip or unless any other condition that mandates landscaping or screening hereunder no longer applies to the property.

#### **Section 3115.04 Demolition Permit; Registration and Identification**

(a) **Permit Required.** No person, firm or corporation shall raze or demolish or remove a building or other structure, or part thereof, without obtaining a permit therefor from the Commissioner Director of Building and Housing.

(b) **Registration.** No person, firm or corporation shall engage in the business of house wrecking, demolition of structure or parts thereof or removal of a building or other structure unless such the person, firm or corporation holds a valid certificate of registration issued by the Commissioner Director in conformity with the applicable provisions of Chapter 3107.

(c) **Requirements.** All demolition work shall be performed in conformity with NFIPA Standard 241, "Standard for Safeguarding Construction, Alteration, and Demolition Operations" and Section 509.14 of the *Codified Ordinances*, as listed in Section 3101.07.

(d) **Identification.** All equipment and vehicles used in demolition or removal of debris from demolition shall be clearly identified. This identification shall be the name of the person, firm, or corporation owning or renting such vehicles and equipment, in letters having a minimum dimension of four (4) inches. Symbols or logos shall not be deemed to meet the identification requirements unless they comply with the minimum letter dimension and identify the person, firm or corporation.

Such identification shall be identical to the registration of the person, firm or corporation as set forth in the *Division Department* of Building and Housing.

(e) When a demolition permit is applied for on private demolition, a condition of said permit shall include the requirement that the contractor or permit holder, within three (3) days after such demolition, shall install wooden timbers upon completion of final grade of lot, to be determined by a representative of the Bureau of Demolition. The contractor or permit holder shall install six (6) inches by six (6) inches by six (6) feet of new, non-treated, hardwood timbers along the property line facing any public right-of-way, said timbers shall extend three (3) feet above grade, and spaced five (5) feet on center.

(f) (e) A condition of a demolition permit When a demolition permit is applied for, a condition of said permit shall include the requirement that the contractor or permit holder conduct a rodent survey and, when necessary, baiting operation.

The survey and baiting program shall be conducted by an applicator or operator duly licensed pursuant to RC Chapter 921 of the Revised Code.

#### **Section 509.14 Protecting Trees During Construction**

(a) No person in charge of the erection, repair, alteration or removal of any building or structure within the City shall fail to properly preserve, maintain, and protect, pursuant to the general requirements of Section 341.052, public trees

that are in the vicinity of the building or structure from damage that may be caused by or may be a result of the erection, repair, alteration or removal of the building or structure.

(b) No person in charge of the erection, repair, alteration or removal of any building or structure within the City shall remove any public tree in the vicinity of the building or structure without prior written approval of the Commissioner of Park Maintenance and Properties or a designee and then only if one or more of the situations under division (b) of Section 341.052 apply.

~~During the erection, repair, alteration or removal of any building or structure within the City, no person in charge of such erection, repair, alteration or removal, shall leave any street tree in the vicinity of such building or structure without such good and sufficient guards or protectors as shall prevent injury to the tree arising out of or by reason of the erection, repair, alteration or removal.~~

#### Section 509.99 Criminal and Civil Penalties

(a) Any person, firm or corporation which violates Sections 509.01, 509.05, 509.09, or 509.11 ~~or 509.12~~ shall be fined not more than ~~five dollars (\$5.00)~~ one hundred dollars (\$100.00) for each offense.

(b) Any person, firm or corporation which violates Sections 509.03, 509.06, 509.08, 509.12 ~~or 509.14~~ or 509.13 shall be fined not more than ~~ten dollars (\$10.00)~~ five hundred dollars (\$500.00) for each offense.

(c) Any person, firm or corporation which violates Sections 509.02, 509.04 or 509.10 shall be fined not more than ~~fifty dollars (\$50.00)~~ one thousand dollars (\$1,000.00) for each offense.

(d) (1) Any person, firm, or corporation that fails to properly preserve, maintain, and protect a public tree during construction as required under division (a) of Section 509.14, shall be charged one thousand dollars (\$1000.00) per area of damage to the roots or the above ground portion of the tree. If the damage can be repaired or reduced following Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, the party responsible for the damage shall hire an ISA-Certified Arborist to repair or reduce the damage at the cost of the responsible party. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner or designee, the Commissioner may waive the civil fine.

(2) Any person, firm, or corporation that removes any public tree in violation of division (b) of Section 509.14 shall be charged a civil fine of \$1,000 for each tree removed in addition to the full cost of the removed tree based on the replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(3) The Commissioner of Park Maintenance and Properties (Commissioner) or designee shall have

the authority to charge the civil fines set forth in this section. All civil fines collected pursuant to this division (d) shall be deposited in the Tree Preservation Fund.

~~(d)~~ (e) Every violation by the same person, firm or corporation of Sections 509.01 to ~~509.14~~ 509.13 which continues on any day succeeding the first violation ~~thereof~~, constitutes an additional violation for each of such succeeding days.

~~(e)~~ (f) In addition to civil liability for the cost of any work performed by the Commissioner or designee, ~~of Shade Trees or persons designated by him or her~~, any person who fails to comply with an order of the Commissioner to trim, preserve or remove any dead or diseased tree, or branch or limb of the dead or diseased tree, ~~thereof~~ dangerous to person or property or to prevent the spread of disease to trees upon public property or streets within the time specified in such the order shall be fined not more than five hundred dollars (\$500.00) and or imprisoned for not more than thirty (30) days, or both.

(g) A person, firm or corporation that receives a civil fine under this section may appeal to the Commissioner within 10 business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse, or modify the decision and shall do so within 10 days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

#### Section 510.04 General Public Right-of-Way Use Regulations

(a) *Public Right-of-Way Route.* A completed initial and annual registration of a Service Provider to Occupy or Use the Public Right-of-Way under Sections 510.02 and 510.03 shall apply to only the types of Facilities and locations along the Public Right-of-Way that were identified by the Service Provider in the registration form.

(b) *Nonexclusive Right to Occupy the Public Right-of-Way.* Registration of a Service Provider granted under Sections 510.02 and 510.03 shall not confer any exclusive right, privilege, license or franchise to Occupy or Use the Public Right-of-Way of the City to operate a System for delivery of Services or any other purposes.

(c) *Rights Permitted.* Registration of a Service Provider under Sections 510.02 and 510.03 shall not convey any right, title or interest in the Public Right-of-Way.

(d) *Maintenance of Facilities.* Each Service Provider shall maintain its System and Facilities in good and safe condition and in a manner that complies with all applicable federal, State and local requirements.

(e) *Safety Procedures.* A Service Provider or other Person acting on its behalf shall use suitable barricades, flags, flaggers, lights, flares and other measures as necessary and under applicable State and local requirements for the safety of all members of the general public and to prevent injury or damage to any

Person, vehicle or property by reason of the work in or affecting such Public Right-of-Way or property.

(f) *Interference with the Public Rights-of-Way.* No Service Provider may locate or maintain its Facilities so as to unreasonably interfere with the use of the Public Right-of-Way by the City, by the general public or by other Persons authorized to use or be present in or on the Public Right-of-Way. To the extent permitted by law, all Facilities shall be moved by the Service Provider, temporarily or permanently, as determined by the Director.

(g) *Damage to Public and Private Property.* No Service Provider nor any Person acting on the Service Provider's behalf shall take any action or permit any action to be done which may impair or damage any City Property, including trees, Public Right-of-Way, Other Ways or other public or private property located in, on or adjacent thereto.

(h) *Restoration of Public Right-of-Way, Other Ways and City Property.*

(1) When a Service Provider, or any Person acting on its behalf, does any work in or affecting any Public Right-of-Way, Other Ways or City Property, it shall, after the work is completed and at its own expense, promptly remove any obstructions and restore such ways or property, within ten (10) to sixty (60) days, at the Director's discretion, to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.

(2) If weather or other conditions do not permit the complete restoration required by this section, the Service Provider shall temporarily restore the affected ways or property as directed by the Director, to the extent practical or feasible. Such temporary restoration shall be at the Service Provider's sole expense and the Service Provider shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent permanent restoration.

(i) *Duty to Provide Information.*

(1) Within ten (10) days of a written request from the Director each Service Provider shall furnish the City with documentation sufficient to show that the Service Provider has complied with all requirements of this chapter.

(2) Within ten (10) days of a written request from the Director, each Service Provider shall make available for inspection by the City at reasonable times all books, records, maps and other documents, maintained by the Service Provider with respect to its Facilities in the Public Right-of-Way.

(3) A Service Provider operating under a tariff issued by the PUCO shall cooperate with the City upon request of the Director for assistance with the "design ticket" process of the Ohio Utility Protection Service.

(j) *Assignments or Transfers.* Registration to Occupy or Use the Public Right-of-Way may be, directly or indirectly, transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the Service Provider, by operation of law or otherwise, without consent of the City, so long as:

(1) The City is notified of the proposed transfer on or before the date of transfer or upon approval of any jurisdictional agency, including the PUCO; and

(2) The transferee shall fully comply with this chapter within sixty (60) days of the transfer, including, but not limited to, providing:

A. All information required by the Registration to Occupy or Use the Public Right-of-Way under Sections 510.02 and ~~Section~~ 510.03; and

B. Any other information reasonably required by the Director.

(k) *Transactions Affecting Assignments or Transfers.* Any transactions that singularly or collectively result in a change of twenty-five percent (25%) or more of the ownership or ultimate working control of a Service Provider, of the ownership or working control of the Service Provider's Facility, or of control of the capacity or bandwidth of the Service Provider's System, Facilities or substantial parts of the Facility shall be considered an assignment or transfer under division (j) of this section. Transactions between Affiliated entities are not exempt from division (j) of this section.

(1) *Revocation of Registration.* To the extent permitted by law, a Service Provider's registration to Occupy or Use the Public Right-of-Way of the City may be revoked for any one (1) of the following reasons:

(1) Construction, Reconstruction, installation, location, operation or Excavation at an unauthorized location;

(2) Construction, Reconstruction, installation, location, operation or Excavation in violation of City safety and/or Construction requirements;

(3) Material misrepresentation or lack of candor by or on behalf of a Service Provider in any permit application or registration required by the City;

(4) Failure to relocate or remove Facilities, or failure to restore the Public Right-of-Way, as required by this chapter;

(5) Failure to pay fees, costs, taxes or compensation when and as due the City;

(6) Insolvency or bankruptcy of the Service Provider;

(7) Violation of material provisions of this chapter.

(m) *Notice and Duty to Cure.* In the event that the Director believes that grounds exist for revocation of a Service Provider's registration to Occupy or Use the Public Right-of-Way, the Director shall give the Service Provider written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the Service Provider a reasonable period of time not exceeding thirty (30) days to furnish evidence:

(1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;

(2) That rebuts the alleged violation or noncompliance; and/or

(3) That it would be in the public interest to impose some penalty or sanction less than revocation.

(n) It is within the Director's reasonable discretion to waive a portion or portions of this chapter

where the requirements, in the Director's judgment, are not necessary or appropriate to protect the City's interests and the purposes and intent of this chapter.

(o) *Record Drawings.* Within sixty (60) days after completion of Construction, registered Service Providers shall furnish the City with the following information for Facilities Constructed for the Service Provider in detail acceptable to the Director based on consultation with the Service Provider:

(1) The location, size, depth, grade, and route of any Underground Facilities, including proximity to other existing Facilities within the area excavated for the Construction;

(2) The location, height and route of any Overhead Facilities, including pole attachments;

(3) The location and position of any Above Ground Facilities and evidence of an AGF Installation Permit issued under Section 510.06 for the Facilities.

Information supplied under division (o) of this section shall be submitted in an electronic format which is available to the Service Provider and acceptable to the Director, or, if an acceptable electronic format is not available, on paper.

(p) *Field Identification.* Commencing on January 1, 2008, Service Providers shall field identify in a readily available location by means of a mark or tag in a manner, form and at such time as is acceptable to the Director in accordance with national and state standards and regulations, all new or replacement Facilities constructed or installed at the surface of the Public Right-of-Way and, in conjunction with Public Right-of-Way improvements constructed by the City, all existing Facilities owned by a Service Provider and located on the surface of the portion of the Public Right-of-Way to be improved by the City.

(q) *Restoration of Improvements.* On completion of any Construction work, registered Service Providers shall promptly repair any and all Public Rights-of-Way and provide property improvements, fixtures, structures and Facilities which were damaged during the course of Construction, restoring the same as nearly as practicable to its condition before the start of Construction.

**(r) Trees in Public Right-of-Way; Cost of Replacement.**

**(1) In performing any Construction work that may impact trees with roots, trunk or branches within the Public Right-of-Way, the Service Provider shall follow Best Management Standards and ANSI Standards for Arboriculture as may be amended from time to time.**

**(2) When tree roots must be affected by any Construction work within the Public Right-of-Way, the Service Provider shall submit specifications with the permit or construction plans and shall follow guidelines in Best Management Standards and ANSI Standards for Arboriculture as may be amended from time to time. The Commissioner of Park Maintenance and Properties (Commissioner) or a designee shall review and approve the specifications prior to commencement of Construction work.**

**(3) A Service Provider that damages a tree located in Public Right-of-Way, due to the failure to properly protect or maintain the tree during Construction as required under division (r)(1), whether by negligence or otherwise, shall be charged one thousand dollars (\$1000.00) per area of damage to the roots or the above ground portion of the tree. If the damage can be repaired or reduced following Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, the Service Provider shall hire an ISA-Certified Arborist to repair or reduce the damage at the Service Provider's cost. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner or designee, the Commissioner may waive the civil fine. The civil fines shall be deposited into the City's Tree Preservation Fund.**

**(4) Trees within the Public Right-of-Way may not be removed without prior consultation with the Commissioner or a designee. Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, shall be utilized when removing trees from the Public Right-of-Way. Compensation for trees removed in connection with Construction work performed by a Service Provider, based upon the replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, shall be paid to the City's Tree Preservation Fund prior to completion of Construction work. A Service Provider shall not be required to compensate the City for trees removed at the City's request.**

**(5) The Commissioner or designee shall have the authority to charge the civil fines and replacement costs as set forth in this division. Civil fines under this section may be appealed to the Commissioner within 10 business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse or modify the decision and shall do so within 10 days of the date of the appeal. A Service Provider aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.**

**(s) Landscape Restoration.**

(1) All trees, landscaping and grounds removed, damaged or disturbed as a result of the Construction, Reconstruction, installation, maintenance, repair, replacement, or removal of Facilities must be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work as determined by the Commissioner of ~~Urban Forestry~~ or a designee, except to the extent that tree trimming is necessary to prevent the interference of tree branches with Overhead Facilities. **Except in the case of emergency, trees within the Public Right-of-Way shall not be pruned without prior notice to the Commissioner or a designee. Best Management Standards and**

**ANSI Standards for Arboriculture, as may be amended from time to time, shall be utilized when pruning trees in the Public Right-of-Way. Any Service Provider that fails to prune a tree using Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, such that the tree is damaged, as determined by the Commissioner or designee, shall be fined the full replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, which shall be paid to the City's Tree Preservation Fund. If trees are damaged during Construction, Reconstruction, installation, maintenance, repair, replacement, or removal of Facilities, such that an ISA-Certified Arborist believes the tree will fall or decline and die as a result of the damage, the Service Provider shall pay compensation to the City's Tree Preservation Fund based upon the replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication. If, in the opinion of the Commissioner of Urban Forestry or a designee, any trees cannot be replaced or restored in the same location, then either: (A) an equal number of trees, the type(s) of which shall be approved by the Commissioner or a designee, shall be planted in the Public Right-of-Way at a location or locations determined by the Commissioner or a designee of Urban Forestry; or (B) the Service Provider shall pay to the City's Tree Preservation Fund the replacement cost based on the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, for an equal number of trees. The Commissioner or designee shall have the authority to charge the replacement cost as set forth in this division.**

(2) All restoration work within the Public Right-of-Way shall be

done under landscape plans approved by the Director.

~~(c)~~ **(t) Responsibility of Owner.** The owner of the Facilities to be Constructed, Reconstructed, installed, located, operated, maintained or repaired and, if different, the Service Provider, are responsible for performance of and compliance with all provisions of this section.

**Section 3.** That existing Section 341.05 of the Codified Ordinances, as amended by Ordinance No. 1827-08, passed February 9, 2009, Sections 352.05 and 352.06, as amended by Ordinance No. 3077-A-89, passed June 17, 1991, Section 3115.04 as amended by Ordinance No. 799-90, passed June 18, 1990, Section 509.14, as enacted by Ordinance No. 63410-A, passed September 22, 1924, Section 509.99, as amended by Ordinance No. 2096-66, passed December 12, 1966 and Section 510.04, as amended by Ordinance No. 1242-A-07, passed October 8, 2007 are repealed.

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

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

**Ord. No. 1122-18.**

**By Council Member Kelley.**

**An emergency ordinance to amend Section 185.36 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.792-03, passed June 10, 2003, relating to subcontractors.**

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 185.36 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 792-03, passed June 10, 2003, is amended to read as follows:

**Section 185.36 Subcontractors**

(a) The contractor shall not sublet nor shall any subcontractor commence

performance of any part of the work included or any materialman deliver or fabricate materials, plant or equipment to be incorporated in the contract without the previous written consent of the Board of Control. Subletting, if permitted, shall not relieve the contractor or his or her surety of any of his, her or its obligations under the contract.

(b) Failure by the contractor to obtain consent of the Board of Control for any subcontractor or materialman shall be a breach of the contract for which the contractor may incur a penalty.

(c) The contractor shall be and remain solely responsible to the City for the acts or faults of his or her subcontractor and of such subcontractor's officers, agents and employees, each of whom shall, for this purpose, be deemed to be the agent or employee of the contractor to the extent of his or her subcontract. The contractor shall promptly, on request of the City file a confirmed copy of the subcontract with prices deleted, as a condition precedent to the approval of a subcontractor. The contractor and subcontractor shall jointly and severally agree that subcontracting does not obligate the City to pay, or to see to the payment of any sums to any subcontractor.

**(d) The contractor shall report immediately to the City Tax Administrator any and all complaints of improper or irregular payment by subcontractor to subcontractor's employees. The City Tax Administrator or designee shall immediately investigate such reports, and shall take such action as may be deemed necessary under these Codified Ordinances or relevant state or federal laws.**

**Section 2.** That existing Section 185.36 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.792-03, passed June 10, 2003, 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 Finance, Law; Committee on Finance.

**FIRST READING EMERGENCY RESOLUTIONS REFERRED**

**Res. No. 1100-18.**

**By Council Member Kelley (by departmental request).**

**An emergency resolution accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer.**

Whereas, this Council, under the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2019; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action on the Tax Budget to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council and what part is within and what part is outside the 10-mill tax limitation; 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 the amounts and rates as determined by the Budget Commission in its certification are accepted.

**Section 2.** That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-mill tax limitation, as follows:

**SCHEDULE A**  
**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY**  
**TAX APPROVED BY BUDGET COMMISSION**  
**AND COUNTY AUDITOR'S ESTIMATE TAX RATES**

Fund	Amount to be Derived From Levies	Amount Approved By Budget Commission	County Fiscal Officer's Estimate of Tax Rate To Be Levied	
	Outside 10-Mill Limitation	Inside 10-Mill Limitation	Inside 10-Mill Limitation	Outside 10-Mill Limitation
	Column II	Column IV	Column V	Column VI
GENERAL FUND			----	7.75
GENERAL BOND				
RETIREMENT FUND			4.35	----
POLICE PENSION FUND			----	0.30
FIRE PENSION FUND			0.05	0.25
<b>TOTAL</b>			<b>4.40</b>	<b>8.30</b>

**Section 3.** That the Clerk of Council is directed to certify a copy of this resolution to the County Fiscal Officer of Cuyahoga County.

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

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

**Res. No. 1101-18.**  
**By Council Member Kelley (by departmental request).**

**An emergency resolution requesting the County Fiscal Officer to make advances during the year 2019, pursuant to Section 321.34, Ohio Revised Code.**

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

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

**Section 1.** That under Section 321.34 of the Revised Code, the County Fiscal Officer is hereby requested to draw, and the County Treasurer to pay on draft or drafts made payable to the Treasury of the City of Cleveland, any money that may be in the County Treasury from time to time during the year 2019 and credited to the account of the City of Cleveland and lawfully applicable to the purpose of the 2019 fiscal year, during which year such request will be made. The payments are to be made from time to time in accordance with the schedule set by Cuyahoga County.

**Section 2.** That the Clerk of Council is directed to transmit a certified copy of this resolution to the County Fiscal Officer.

**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.

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

**Res. No. 1130-18.**  
**By Council Members McCormack, Johnson and Brancatelli (by departmental request).**

**An emergency resolution declaring the intent to vacate a portion of the Detroit Superior Viaduct.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of the Detroit Superior Viaduct, as described; and

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

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

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

**Legal description for the vacation of a portion of the Detroit Superior viaduct**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Original Brooklyn Township Lot No. 70, bounded and described as follows:

Beginning at an Iron Pin Monument found at the intersection of West 25th Street, 60 feet wide, and Detroit Avenue, 66 feet wide.

Thence North 30°28'45" West, along the centerline of said West 25th Street, a distance of 142.70 feet to a point;

Thence North 59°31'15" East a distance of 30.00 feet to the easterly line of said West 25th Street;

Thence North 39°48'36" East, along the northwesterly line of the Detroit Superior Viaduct, (80.00 feet wide), a distance of 25.40 feet to the proposed easterly line of said West 25th Street and the Principal Place of Beginning of land herein described:

Thence North 39°48'36" East, along the northwesterly line of the Detroit Superior Viaduct, a distance of 183.67 feet to a point;

Thence North 59°26'52" East a distance of 164.17 feet;

Thence South 30°33'08" East a distance of 26.36 feet;

Thence South 39°48'36" West, along the southeasterly line of said Detroit Superior Viaduct, a distance of 341.76 feet to the proposed northeasterly line of said West 25th Street;

Thence, along the proposed northeasterly line of said West 25th Street along a curve deflecting to the right, an arc distance of 25.09 feet to a point. Said curve having delta of 35°56'33", a radius of 40.00 feet and a chord that bears North 52°12'12" West, 24.68 feet;

Thence, continuing along the proposed northeasterly line of said West 25th Street along a curve deflecting to the left, an arc distance of 56.90 feet to a point. Said curve having delta of 5°5'39", a radius of 640.00 feet and a chord that bears North 36°46'45" West, 56.88 feet to the principal place of beginning and containing 23,376 square feet (0.5366 acres) of land, 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.

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

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

**Res. No. 1131-18.**

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

**An emergency resolution declaring the intent to vacate a portion of Maplewood Avenue.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Maplewood Avenue, as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township sections No. 3 and 4 being further described as follows:

**Maplewood Avenue (60.00 feet wide)**

Being all that portion of Maplewood Avenue (60.00 feet wide) extending from the West right of way of Rocky River Drive (Width Varies) westerly to that portion of Maplewood Avenue vacated by City of Cleveland Ordinance No. 1598-98 passed November 23, 1998.

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

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

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

**FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**

**Ord. No. 1123-18.**

**By Council Member Bishop.**

**An emergency ordinance authorizing the issuance of a Mobile Permit to Desmond Mattox of IGS Energy to engage in mobile vending in Ward 2.**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, This Council has considered the request of Desmond Mattox of IGS Energy to engage in mobile vending outside of the Central Business district, and has determined that it is in the public interest to allow Desmond Mattox of IGS

Energy to engage in mobile vending in Ward 2; 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 consents, as required by, Section 675.08 of the Codified Ordinances to allow to Desmond Mattox of IGS Energy to engage in mobile vending in the public rights of way in Ward 2.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted may be revoked at any time by this Council.

**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.

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

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

**Ord. No. 1124-18.**

**By Council Members Bishop and McCormack.**

**An emergency ordinance authorizing the issuance of a Mobile Permit to Jeffrey Worrton of Trikeable Treats to engage in mobile vending in Wards 2 and 3.**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, This Council has considered the request of Jeffrey Worrton of Trikeable Treats to engage in mobile vending outside of the Central Business district, and has determined that it is in the public interest to allow Jeffrey Worrton of Trikeable Treats to engage in mobile vending in Wards 2 and 3; 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 consents, as required by, Section 675.08 of the Codified Ordinances to allow to Jeffrey Worrton of Trikeable Treats to engage in mobile vending in the public rights of way in Wards 2 and 3.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted may be revoked at any time by this Council.

**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.

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

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

**Ord. No. 1125-18.**

**By Council Member Conwell.**

**An emergency ordinance authorizing the issuance of a Mobile Permit to Malachy Nzekwe of Mr. Happy Days Ice Cream to engage in mobile vending in Ward 9.**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, This Council has considered the request of Malachy Nzekwe to engage in mobile vending outside of the Central Business district, and has determined that it is in the public interest to allow Malachy Nzekwe of Mr. Happy Days Ice Cream to engage in mobile vending in Ward 9; 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 consents, as required by, Section 675.08 of the Codified Ordinances to allow to Malachy Nzekwe of Mr. Happy Days Ice Cream to engage in mobile vending in the public rights of way in Ward 9.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted may be revoked at any time by this Council.

**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.

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

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

**Ord. No. 1126-18.**

**By Council Member Hairston.**

**An emergency ordinance amending the Title and Section 1 of Ordinance No. 821-18 passed June 4, 2018 as it pertains to authorizing the Director of the Department of Aging**

**to enter into an agreement with Collinwood and Nottingham Villages Development Corporation for the Five Pointes Senior Food Program through the use of Ward 10 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 Title and Section 1 of Ordinance No. 821-18, passed June 4, 2018 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Collinwood and Nottingham Villages Development Corporation for the Five Pointes Senior Food Program through the use of Ward 10 Casino Revenue Funds.

**Section 1.** That the Director of the Department of Aging is hereby authorized to enter into an agreement effective January 1, 2018 with the Collinwood and Nottingham Villages Development Corporation for the Five Pointes Senior Food Program for the public purpose of providing nutritious foods and meals to needy senior citizens residing in the city of Cleveland through the use of Ward 10 Casino Revenue Funds.

**Section 2.** That the Title and Section 1 of Ordinance No. 821-18, passed June 4, 2018 are 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.

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

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

**Ord. No. 1127-18.**

**By Council Member Keane.**

**An emergency ordinance authorizing the Director of Public Works to enter into agreement with Kamm's Corners Development Corporation for the goal post repair and replacement project at Impett Park through the use of Ward 17 Casino revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Public Works is hereby authorized to enter into agreement with Kamm's Corners Development Corporation for the goal post repair and replacement project at Impett Park located at 3207 W. 153rd Street, Cleveland, Ohio for the public purpose of repairing and/or replacing the goal posts that are on this site through the use of Ward 17 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not

to exceed \$8,910.30 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. 1128-18.**

**By Council Member Kelley.**

**An emergency resolution objecting to the transfer of location of a C2 and C2X Liquor Permit to 4380 State Road.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a C2 and C2X Liquor Permit from Lotuss Foods, Inc., DBA Lotus Mini Mart, 17801 Euclid Avenue, 1st floor only, Cleveland, Ohio 44112, Permit Number 5304557 to 4380 State Road, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permit Number 28767030005; and

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

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of location of a C2 and C2X Liquor Permit from Lotuss Foods, Inc., DBA Lotus Mini Mart, 17801 Euclid Avenue, 1st floor only, Cleveland, Ohio 44112, Permit Number 5304557 to 4380 State Road, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permit Number 28767030005; 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. 1129-18.**

**By Council Member Cleveland.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3137 East 65th Street, 1st floor and basement.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Rodney Harris, DBA QS top Deli, 3137 East 65th Street, 1st floor and basement, Cleveland, Ohio 44105, Permit Number 7466293 to Tamka Ingram, DBA 65 Beverage, 3137 East 65th Street, 1st floor and basement, Cleveland, Ohio 44127, Permit Number 4142630; and

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

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

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

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



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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Rodney Harris, DBA QS top Deli, 3137 East 65th Street, 1st floor and basement, Cleveland, Ohio 44105, Permit Number 7466293 to Tamka Ingram, DBA 65 Beverage, 3137 East 65th Street, 1st floor and basement, Cleveland, Ohio 44127, Permit Number 4142630; 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. 1156-18.**

By Council Member Hairston.

**An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 19309 Nottingham Road, 1st floor and basement, and repealing Resolution No. 463-18 objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to Lady Luck Mts I, Inc., DBA Lady Luck, 13909 Nottingham Road, 1st floor and basement, Cleveland, Ohio 44110, Permit Number 4966478 by Resolution No. 513-18 adopted by the Council on April 16, 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 the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to Lady Luck Mts I, Inc., DBA Lady Luck, 13909 Nottingham Road, 1st floor and basement, Cleveland, Ohio 44110, Permit Number 4966478, be and the same is hereby withdrawn and Resolution No. 463-18, 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.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 900-18.**

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

An emergency ordinance determining the method of making the public improvement of renovating the Collinwood Community Services Center, the Near West Side Multi-Service Center aka May Dugan Center, and North Point Inn aka North Point Shelter; authorizing the Director of Community Development to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement and for managing and maintaining the buildings.

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

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

**Ord. No. 1029-18.**

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, relating to compensation for various classifications.

Approved by Directors of Human Resources, 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.

**Ord. No. 1034-18.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 60420 with 4208 Prospect Ltd. relating to the acquisition and renovation of the Kies-Murfey House to extend the term of the loan.

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

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

**SECOND READING ORDINANCE PASSED**

**Ord. No. 886-18.**

By Council Member Griffin.

An ordinance establishing the Cedar Avenue Design Review District along lands south of Euclid Avenue between East 79th Street and East 83rd Street, as well as along Cedar Avenue between East 78th Street and East 101st Street (Map Change No. 2584).

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.

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 819-18.**

By Council Members Kelley and Griffin.

An emergency resolution supporting the Cleveland Metropolitan School District in its attempt to acquire a fair agreement from the Ohio Facilities Construction Commission to complete the replacement of CMSD schools in Cleveland.

Approved by Committee on Finance.

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

**MOTION**

On the motion of Council Member Keane, the absence of Council Member Blaine A. Griffin is hereby authorized. Seconded by Council Member B. Jones.

**MOTION**

The Council Meeting adjourned at 7:45 p.m. to meet on Monday, September 17, 2018, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

September 5, 2018

The meeting of the Board of Control convened in the Mayor's office on Wednesday, September 5, 2018 at 11:00 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

Others: Deborah Midgett, Acting Commissioner, Purchases & Supplies.

Melissa Burrows, Director, Office of Equal Opportunity.

**Resolution No. 347-18.**

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, Middough, 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 services for general engineering, for a period of two years, for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Middough, Inc. based upon its proposal dated June 5, 2018, 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 subconsultants by Middough, Inc. for the above-mentioned professional services is approved:

<u>SUB-CONSULTANTS</u>	<u>WORK PERCENTAGE</u>
R. Engineering Team, LLC (CSB)	\$200,000.00 10.000%
Stephen Hovancsek & Associates (CSB)	TBD 0%
Sigma of Ohio, LLC	TBD 0%
Somat Engineering of Ohio, Inc. (CSB)	TBD 0%
Siemens Industry, Inc. (Non Certified)	TBD 0%
SEL Engineering Services Laboratories (Non Certified)	TBD 0%

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

**Resolution No. 348-18.**

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, Eurofins Eaton Analytical, LLC 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 analytical laboratory services necessary for the Environmental Protection Agency Fourth Unregulated Contaminants Monitoring Rule (UCMR4) Analytical Services, 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 Eurofins Eaton Analytical, LLC based upon its proposal dated August 7, 2018, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, for an aggregate fee not exceeding \$58,320.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

**Resolution No. 349-18.**

By Director Cox.

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

Whereas, the 2nd Annual InterCle 2018, hosted by its Cleveland Chapter, wishes to use the Cleveland Public Auditorium on the afternoon of September 8, 2018 for international students in the state of Ohio that are looking to network and engage with community leaders and students; and

Whereas, the City is willing to allow Global Cleveland to use the Cleveland Public Auditorium on the afternoon of September 8, 2018 without charge for rental; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that notwithstanding and as an exception to the Public Auditorium rental rates established by Board of Control Resolution No. 250-12, adopted on June 6, 2012, Global Cleveland may use the Cleveland Public Auditorium on the afternoon of September 8, 2018, without a rental charge, for international students in the state of Ohio that are looking to net-

work and engage with community leaders and students.

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

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

**Resolution No. 350-18.**

By Director Cox.

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

Whereas, Towne Park, LLC has proposed to place a valet stand at Public Hall & Willard Park Garage and offer valet parking services to the general public for the Association of Indian Physicians of Northeast Ohio at Public Auditorium on October 6, 2018, by using the Willard Surface Lot and Willard Park Garage; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a concession agreement with Towne Park, LLC to place a valet stand at Public Hall & Willard Park Garage and use Willard Surface Lot and Willard Park Garage to offer valet parking services to the public for a fee per event of \$450.00 plus \$5.00 per vehicle parked for the above-mentioned event to be held at Public Auditorium on October 6, 2018 from 2:00 p.m. until 12:00 a.m.

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

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

**Resolution No. 351-18.**

By Director Menesse.

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. 139-13-058 located at 3822 East 151st Street, Cleveland, Ohio, 44128; 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

Whereas, Mark Cunningham has proposed to the City to purchase the parcel for side yard expansion; and

Whereas, the following conditions exist:

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Mark Cunningham for the sale of Permanent Parcel No. 139-13-058, 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, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

**Resolution No. 352-18.**

By Director Menesse.

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. 143-02-055 located at 16320 Telfair 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, Barry K. Dowdell 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 1 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City

of Cleveland, with Barry K. Dowdell for the sale and development of Permanent Parcel No. 143-02-055 located at 16320 Telfair 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, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

**Resolution No. 353-18.**

By Director Menesse.

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. 110-17-171 located at 994 East 131st Street; and

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

Whereas, Joyce Maddox 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 10 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Joyce Maddox for the sale and development of Permanent Parcel No. 110-17-171 located at 994 East 131st Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the 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, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

**Resolution No. 354-18.**

By Director Menesse.

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 Nos. 107-15-121 and 107-15-122 located at 1440 and 1444 East 88th Street; and

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

Whereas, Laura Brown 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 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 parcels 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 Laura Brown for the sale and development of Permanent Parcel Nos. 107-15-121 and 107-15-122 located at 1440 and 1444 East 88th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcels shall be \$400.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

**Resolution No. 355-18.**

By Director Menesse.

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 Nos. 138-04-086 located at 12714 Benwood and 138-04-087 at 12718 Benwood Avenue, Cleveland, Ohio, 44103; 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

Whereas, Chanel Johnson has proposed to the City to purchase the parcels for side yard expansion; and

Whereas, the following conditions exist:

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

2. The proposed purchaser of the parcels 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 Chanel Johnson for the sale of Permanent Parcel Nos. 138-04-086 and 138-04-087, 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 parcels shall be \$400.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

**Resolution No. 356-18.**

By Director Menesse.

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. 130-23-033 located at 12721 Union 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

Whereas, The Utopian Society of Spiritual Research has proposed to the City to purchase and develop the parcel for building a church, community center and parking; and

Whereas, the following conditions exist:

1. The member of Council from Ward 4 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that

under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with The Utopian Society of Spiritual Research for the sale and development of Permanent Parcel No. 130-23-033, 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 \$1,500.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, Acting Director Wackers, Director West, Acting Director R. Brown, Directors McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, SEPTEMBER 24, 2018**

**9:30 A.M.**

**Calendar No. 18-192:** 1322 West 65th Street (Ward 15)

Peter & Heather McLaughlin, owners, propose to erect a 20' x 49' two story single family residence with a 20' x 20' detached frame garage in

a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that the building height is approximately 25' - 9" thus no Interior Side yard shall be less than 1/4 the height of the building or in this case 6.47' and the owner is proposing 5'.

2. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot and the proposed distance to a main building is 9' - 9".

3. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed August 30, 2018)

**Calendar No. 18-194:** 6708 Wakefield Avenue (Ward 15)

Kristina Reisz proposes to erect a new 2.5 story, 1,800 square foot single family house with a detached three car garage on a 4,881 square foot City of Cleveland Land Bank Lot in a B1 Two-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that in a Two-Family District no interior side yard shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. The required side yard is 8' - 8" and a 5' side yard is proposed.

2. Section 337.23(a)(6)(A) which states that in a dwelling house district the floor area of a private garage erected as an accessory building shall not exceed six hundred fifty (650) square feet unless the lot area exceeds four thousand eight hundred (4,800) square feet in which event the floor area may be increased in the ratio of one (1) square foot for each twelve (12) square feet of additional lot area. The permitted square footage of the proposed accessory is 656.75 square feet and the proposed three car garage is 775 square feet.

3. Section 337.23 (a) which states that an accessory building shall be located a minimum of 18" from all property lines and at least ten feet from any main building on adjoining lot. The proposed garage is 6" to the property line. (Measurement taken from gutter board.)

4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed August 31, 2018)

**POSTPONED FROM AUGUST 20, 2018**

**Calendar No. 18-166:** 1963 West 47th Street (Ward 3)

Spiegelrl Ohio, LLC., owner, proposes to erect a 2,113 square foot single family house with a detached garage on a 4,224 square foot lot in

a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot width for a single family dwelling in "B" area districts is 40 feet and a 32 foot wide lot is proposed. This section also states that a minimum lot area of 4,800 square feet is required for a single family dwelling and a lot area of 4,224 square feet is proposed.

2. Section 357.09(b)(2)(B) which states that in a Two Family District no interior side yard, shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building in on the premises. The required side yard is 7' - 9" and a 7' - 0" side yard is proposed.

3. Section 357.13(b)(4) which states that front yard, open porticos or porches (deck) shall not project more than six (6) feet. Proposed deck projects 11' - 0" into the front yard setback.

4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed July 20, 2018 - No Testimony)

First postponement made at the request of the City to allow for time for design review.

**POSTPONED FROM  
SEPTEMBER 4, 2018**

**Calendar No. 18-175:** 6050 Truscon Avenue (Ward 5)

Madprop, LLC., owner, proposes to install a 10 foot tall, battery powered, low voltage (12V,DC), perimeter security system (electric fence) to be located inside of existing chain link fence around a 327,061 square foot lot in a B3 General Industry District. The owner appeals for relief from the strict application of section 358.05(a)(2) of the Cleveland Codified Ordinances which states that a fence in the actual front yard and in the actual side street yard shall not exceed six feet in height. (Filed August 7, 2018 - No Testimony)

First postponement made at the request of the appellant due to a scheduling conflict.

**POSTPONED FROM  
AUGUST 20, 2018**

**Calendar No. 18-153:** 4610 Clinton Avenue (Ward 3)

Cleveland Bricks, owner, proposes to build a new three story single family residential home on a newly proposed 4,450 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 342.01(b) which states that the maximum height permitted is 35 feet and the appellant is proposing 37 feet.

2. Section 355.04 which states that the minimum lot area required is 4,800 square feet for a single family residence and a 4,450 square foot

lot is proposed. This section also states that the maximum gross floor area allowed is 2,225 square feet and the proposed gross floor area is 2,840 square feet.

3. Section 357.09(b)(2)(A) which states that the required aggregate width of side yards is 18.75 feet and the proposed aggregate side yards are 11 feet. This section also states that no building shall be erected less than ten feet from a main building on an adjoining lot; an existing residence is approximately 7 ½ feet from the proposed new building.

4. Section 357.13(b)(4) which states that an open porch projecting not more than six (6) feet is a permitted front yard encroachment; proposed porch dimensions are 8' x 19'. (Filed June 29 2018 - No Testimony)

Second postponement made at the request of the appellant to allow for time for block club review. First postponement made at the request of the Landmarks Commission to allow for time for review.

**Calendar No. 18-154:** 4608 Clinton Avenue (Ward 3)

Cleveland Bricks, owner, proposes to renovate a single family residence on a newly proposed 2,200 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04 which states that one parking space on premises is required for one family residence; there is no access from the right-of-way to proposed parking spaces and access easement is proposed.

2. Section 355.04 which states that the minimum lot area required is 4,800 square feet for a one family residence and a 2,200 square foot lot is proposed.

3. Section 355.04 which states that the maximum gross floor area allowed is 1,200 square feet and the proposed gross floor area is 1,460 square feet. (Filed June 29, 2018 - No Testimony)

Second postponement made at the request of the appellant to allow for time for block club review. First postponement made at the request of the Landmarks Commission to allow for time for review.

Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, SEPTEMBER 10, 2018**

At the meeting of the Board of Zoning Appeals on Monday, September 10, 2018 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 18-179:** 14918 Cardinal Avenue

Beulah Baptist Church, owner, proposes to install a double sided electronic message board in a B1 Two-Family Residential District.

**Calendar No. 18-187:** 11808 Cromwell Avenue

Cuyahoga County Land Reutilization Corp., owner, and Neighborhood

Housing Services of Greater Cleveland propose to change the use of a two family residence to office and meeting space and one dwelling unit in a B1 Two Family Residential District.

The following appeals were **DENIED:**

None.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

**Calendar No. 18-178:** Pango Real Estate

4219 Orchard Avenue. Postponed to October 8, 2018.

**Calendar No. 18-180:** Dave Kozyk

2338 West 6th Street. Postponed to October 8, 2018.

**Calendar No. 18-188:** Appeal from decision of Mayor's Office of Capital Projects to uphold the denial of Zone 3 permit application. Postponed to October 29, 2018.

The following cases were heard by the Board of Zoning Appeals on Tuesday, September 4, 2018 and the decisions were adopted and approved on Monday, September 10, 2018:

The following appeals were **APPROVED:**

**Calendar No. 18-184:** 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. 18-185:** 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.

**Calendar No. 18-186:** 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.

Secretary

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

Re: Report of the Meeting of  
September 5, 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-98-18.**

RE: Appeal of Green Road Investments LLC, Owner of the Properties, located on the premises known as 1929-1939-1949 Green Road from an ABATEMENT ORDER — FIRE CODE, dated April 12, 2018 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 find that based upon the 1965 requirements of the law at that time and the conditions of the building found at the site, the requirement for the standpipe revisions is DENIED; the Appellant's appeal is granted to disallow the standpipe requirement. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-135-18.**

RE: Appeal of Christine Ignasiak, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 1350 West 102nd Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 15, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until May 5, 2019 to complete abatement of the violations by completely painting the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-142-18.**

RE: Appeal of Barry J. Martinis, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 2807 Jay Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 23, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 1, 2018 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-143-18.**

RE: Appeal of Dimitri Korobov, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Masonry Property, located on the premises known as 16212 Elsienna Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated June 1, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-143-18 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-144-18.**

RE: Appeal of Dimitri Korobov, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property, located on the premises known as 3605 Warren Road from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated June 1, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-144-18 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-145-18.**

RE: Appeal of Alexander L. Guba, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 2681 East 130th Street from a LEAD VIOLATION, dated May 16, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-145-18 has been WITHDRAWN, at the request of the Appellant.

\* \* \*

**Docket A-146-18.**

RE: Appeal of Jimmy J. Christian Jr., Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 3735 Seymour Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 1, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until April 1, 2019 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-147-18.**

RE: Appeal of Larry Wallace, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3184 East 135th Street from a LEAD VIOLATION, dated June 1, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until December 1, 2018 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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**Docket A-148-18.**

RE: Appeal of Samuel Pangihutan, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3707 East 61st Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated May 7, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for additional time and to REMAND the property me to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-149-18.**

RE: Appeal of Audrey R. Gibson, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 12012 Forest Avenue from a LEAD VIOLATION, dated June 1, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until December 1, 2018 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

**Docket A-150-18.**

RE: Appeal of Christopher Siedlecki, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 6805 Clement Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 16, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 1, 2018 to complete abatement of the violations; the property is REMANDED at this time to Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-151-18.**

RE: Appeal of Deanne Wheatle, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 11505 Hopkins Avenue (Aka 11507 Hopkins Avenue) from a CONDEMNATION ORDER — MAIN STRUCTURE, dated May 9, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until October 1, 2018 to obtain all required permits for the rehabilitation plan in the Building Department; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-152-18.**

RE: Appeal of David J Paoletta, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 4093 West 49th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated June 5, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until May 1, 2019 to complete abatement of the exterior violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-153-18.**

RE: Appeal of Eric Stiner, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two Story Masonry Walls/Wood Floors Property, located on the premises known as 3289 East 145th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated May 25, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until January 1, 2019 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-172-18.**

RE: Appeal of Lachelle Bender (Gimme A Hand Cosmetology School), Owner of the Property, located on the premises known as 6553 Broadway Avenue from an ADJUDICATION ORDER, dated July 31, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to comply with the intent of the Codified Ordinances of the City of Cleveland, and to DENY the Appellant's appeal request to not install a ventilation system in the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**AMENDED RESOLUTION:**

**Docket A-136-18.**

William Harris Jr. - 2962 South Moreland Boulevard:

FROM: .. to find that based upon the evidence and testimony presented, that the property was properly Condemned, the Appellant's appeal request is DENIED; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action..

TO: ..to grant the Appellant until November 1, 2018 to complete plans to submit to the Building Department to obtain all required permits,

and until December 1, 2019 to complete abatement of the violations; noting that failure to apply for permits by November 1, 2018 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..

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-128-18 — Charlene B. Taylor
- A-129-18 — Christopher A. Jethrow
- A-131-18 — Barbara Pillow
- A-132-18 — GXIX, LLC
- A-134-18 — Sandy Giallanza
- A-136-18 — William Harris Jr. (Amended)
- A-141-18 — Literary Construction Co.
- A-179-18 — Davinder Gill

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

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Bradley 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):

August 22, 2018

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

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing  
By the Council Committee  
On Development, Planning  
and Sustainability**

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Tuesday, September 25, 2018  
9:30 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on Development,

Planning and Sustainability will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Tuesday, September 25, 2018, at 9:30 a.m., to consider the following ordinances and resolutions now pending in the Council:

**Ord. No. 1027-18.**

By Council Member McCormack.  
An ordinance changing the Use, Height and Area Districts of parcels fronting the northwestern section of Franklin Circle between Dexter Place and West 28th Street as identified on the attached map (Map Change No. 2587).

Anthony Brancatelli, Chair  
Committee on Development,  
Planning and Sustainability

September 12, 2018 and September 19, 2018

**CITY of CLEVELAND BIDS**

**For All Departments**

**S**ealed 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, OCTOBER 3, 2018**

**File No. 107-18 — Labor and Material, Maintenance, Training and Inspections of Various Passenger Bridges,** for the Division of Airport, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, SEPTEMBER 20, 2018 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT, CENTRAL RECEIVING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.**

**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. 108-18 — Purchase of Rock Salt,** for the Division of Streets, Department of Public Works, as authorized by Ordinance No. 295-18, passed by the Council of the City of Cleveland, April 30, 2018.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, SEPTEMBER 20, 2018 AT 10:00 A.M. DIVISION OF STREETS, 601 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).**

**File No. 109-18 — Chrysler, Dodge, Jeep Passenger Car, Light and Medium Duty Parts and Labor,** for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, SEPTEMBER 20, 2018 AT 10:00 A.M. DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, NEWBURGH HEIGHTS, OHIO 44105.**

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

September 5, 2018 and September 12, 2018

**FRIDAY, OCTOBER 12, 2018**

**File No. 106-18 — Baldwin Improvement A,** for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1406-15, passed by the Council of the City of Cleveland, November 30, 2015.

**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. BIDDERS MUST BE ON PLAN-HOLDERS LIST TO SUBMIT A BID OR RECEIVED ADDENDUMS.)**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, SEPTEMBER 13, 2018 AT 10:00 A.M. BALDWIN WATER WORKS PLANT, 11216 STOKES BOULEVARD, CLEVELAND, OHIO 44104.**

**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).**

September 5, 2018 and September 12, 2018

**FRIDAY, OCTOBER 5, 2018**

**File No. 113-18 — Bunker Gear Suits, (Re-Bid),** for the Division of Airports, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, WEDNESDAY, SEPTEMBER 26, 2018 AT 11:30 A.M. AIRPORT RESCUE FIREFIGHTING STATION, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.**

**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).**

September 12, 2018 and September 19, 2018

**THURSDAY, OCTOBER 11, 2018**

**File No. 112-18 — Plumbing Services 2018,** for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 545-17, passed by the Council of the City of Cleveland, June 5, 2017

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, SEPTEMBER 21, 2018 AT 10:30 A.M. THE DIVISION OF CLEVELAND PUBLIC POWER, CENTENNIAL ROOM, 1300 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).**

September 12, 2018 and September 19, 2018

**FRIDAY, OCTOBER 12, 2018**

**File No. 110-18 — Superior Rd. Express Main Replacement Project,** for the Division of Water, Department of Public Utilities, as authorized by Ordinance Nos. 579-16 and 1440-17, passed by the Council of the City of Cleveland, June 6, 2016 and December 4, 2017 respectively.



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)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, SEPTEMBER 21, 2018 AT 10:00 A.M. DIVISION OF WATER, 2ND 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).

September 12, 2018 and September 19, 2018

**WEDNESDAY, OCTOBER 17, 2018**

**File No. 111-18 — Harvard Yard Facility Improvements**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance Nos. 701-16 and 1276-16, passed by the Council of the City of

Cleveland, July 13, 2016 and November 28, 2016 respectively.

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)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, SEPTEMBER 20, 2018 AT 10:00 A.M. DIVISION OF WATER, 2ND 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).

September 12, 2018 and September 19, 2018

**ADOPTED RESOLUTIONS AND ORDINANCES**

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**COUNCIL COMMITTEE MEETINGS**

**Monday, September 10, 2018 2:00 p.m.**

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

**Tuesday, September 11, 2018 9:30 a.m.**

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

**1:30 p.m.**

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

**Wednesday, September 12, 2018 10:00 a.m.**

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

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O—Ordinance; R—Resolution; F—File  
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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Approving the addition of certain property to the Northeast Ohio Advanced Energy District; accepting and approving a petition and plan from a property owner in the District identifying a special energy improvement project, declaring it necessary to conduct the special energy improvement project providing for the assessment of the cost and expense of such special energy improvement project; and authorizing the Director of Economic Development to enter into an Energy Project Cooperative Agreement and a Special Assessment Agreement to implement the project; and declaring an emergency. (O 1112-18) .....1538

**Correction Division**

To amend Sections 135.01, 181.101 and 615.14, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to repeal various sections of Chapter 135, of the codified ordinances, including 135.57 for the discontinuance of the Division of Corrections, relating to cessation of jail operations by the City of Cleveland. (O 1115-18) .....1541

**Cuyahoga County**

Giving consent of the City of Cleveland to the County of Cuyahoga for the improvement of East 131st Street from Miles Avenue to Forestdale Drive in the Cities of Cleveland and Garfield Heights; authorizing the Director of Capital Projects to enter into agreements; to apply for and accept an allocation of County Motor Vehicle License Tax Funds; and to cause payment to the County for the City's share of the improvement. (O 1119-18) .....1543

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To amend Section 185.36 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 792-03, passed June 10, 2003, relating to subcontractors. (O 1122-18) .....1551

To amend Sections 58 and 59 of Ordinance No. 323-18, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications. (O 1114-18) .....1540

To supplement the Codified Ordinances of Cleveland Ohio, 1976 by enacting new Sections 341.051, 341.052, 341.053, and 509.21, and by amending Sections 341.05, 352.05, 352.06, 3115.04, 509.14, 509.99, and 510.04, as amended by various ordinances, related to tree preservation and tree protection during construction and by service providers in the public right of way, civil penalties for damaged and removed trees, and establishing a Tree Preservation Fund. (O 1121-18) .....1545

**Fire Division**

Authorizing the purchase by one or more requirement contracts of self-contained breathing apparatus, for the Division of Fire, Department of Public Safety, for a term of one year, with one option to renew for an additional one year period, exercisable by the Director of Public Safety. (O 1110-18) .....1537

Oath of Office for Michael Patrick Gillissie, Captain of Fire, City of Cleveland. (F 1085-18) .....1533

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Authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Substance Abuse and Mental Health Services Administration for the Recovery Project III to expand evidence based treatment for Specialized Dockets defendants; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant. (O 1102-18) .....1534

Authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for the rehabilitation East 105th Street, Fulton Road/West 28th Street; and East 131st Street; to apply for and accept grants from various entities for the improvements; authorizing the Director of Capital Projects to enter into contracts and agreements to design and construct the improvements and other agreements needed for the improvements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvement. (O 1104-18) .....1535

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Authorizing the Director of Community Development to enter into contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities. (O 1105-18) .....1536

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**Northeast Ohio Advanced Energy District**

Approving the addition of certain property to the Northeast Ohio Advanced Energy District; accepting and approving a petition and plan from a property owner in the District identifying a special energy improvement project, declaring it necessary to conduct the special energy improvement project providing for the assessment of the cost and expense of such special energy improvement project; and authorizing the Director of Economic Development to enter into an Energy Project Cooperative Agreement and a Special Assessment Agreement to implement the project; and declaring an emergency. (O 1112-18) .....1538

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Oath of Office for Michael Patrick Gillissie, Captain of Fire, City of Cleveland. (F 1085-18) .....1533

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Determining the method of making the public improvement of renovating the Collinwood Community Services Center, the Near West Side Multi Service Center aka May Dugan Center, and North Point Inn aka North Point Shelter; authorizing the Director of Community Development to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement and for managing and maintaining the buildings. (O 900-18) .....	1555

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Giving consent of the City of Cleveland to the County of Cuyahoga for the improvement of East 131st Street from Miles Avenue to Forestdale Drive in the Cities of Cleveland and Garfield Heights; authorizing the Director of Capital Projects to enter into agreements; to apply for and accept an allocation of County Motor Vehicle License Tax Funds; and to cause payment to the County for the City's share of the improvement. (O 1119-18) .....1543

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Authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2017-18 school year. (O 1109-18) .....1537

Authorizing the purchase by one or more requirement contracts of recycled or virgin asphalt concrete, for the Division of Streets, Department of Public Works. (O 1108-18) .....1537

To supplement the Codified Ordinances of Cleveland Ohio, 1976 by enacting new Sections 341.051, 341.052, 341.053, and 509.21, and by amending Sections 341.05, 352.05, 352.06, 3115.04, 509.14, 509.99, and 510.04, as amended by various ordinances, related to tree preservation and tree protection during construction and by service providers in the public right of way, civil penalties for damaged and removed trees, and establishing a Tree Preservation Fund. (O 1121-18) .....1545

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Oath of Office for Michael Patrick Gillissie, Captain of Fire, City of Cleveland. (F 1085-18) .....1533

To amend Sections 135.01, 181.101 and 615.14, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to repeal various sections of Chapter 135, of the codified ordinances, including 135.57 for the discontinuance of the Division of Corrections, relating to cessation of jail operations by the City of Cleveland. (O 1115-18) .....1541

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To amend Section 25 of Ordinance No. 323-15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications. (O 1113-18) .....	1539
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**Trees**

To supplement the Codified Ordinances of Cleveland Ohio, 1976 by enacting new Sections 341.051, 341.052, 341.053, and 509.21, and by amending Sections 341.05, 352.05, 352.06, 3115.04, 509.14, 509.99, and 510.04, as amended by various ordinances, related to tree preservation and tree protection during construction and by service providers in the public right of way, civil penalties for damaged and removed trees, and establishing a Tree Preservation Fund. (O 1121-18) .....	1545
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**Utilities Department**

Authorizing the purchase by one or more requirement contracts of valves, actuators, and appurtenances, and labor and materials needed to repair, replace, maintain, exercise, and test valves, actuators and appurtenances, for the Division of Water, Department of Public Utilities, for a period of two years. (O 1111-18) .....	1538
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