

The City Record

Official Publication of the Council of the City of Cleveland



November the Eighth, Two Thousand and Seventeen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

| Ward | Name | Residence | |
|------|----------------------|---------------------------|-------|
| 1 | Terrell H. Pruitt | 16920 Throckley Avenue | 44128 |
| 2 | Zack Reed | 3734 East 149th Street | 44120 |
| 3 | Kerry McCormack | 1429 West 38th Street | 44113 |
| 4 | Kenneth L. Johnson | 2948 Hampton Road | 44120 |
| 5 | Phyllis E. Cleveland | 2369 East 36th Street | 44105 |
| 6 | Blaine A. Griffin | 11810 Larchmere Boulevard | 44120 |
| 7 | TJ Dow | 7715 Decker Avenue | 44103 |
| 8 | Michael D. Polensek | 17855 Brian Avenue | 44119 |
| 9 | Kevin Conwell | 10647 Ashbury Avenue | 44106 |
| 10 | Jeffrey D. Johnson | 9024 Parkgate Avenue | 44108 |
| 11 | Dona Brady | 1272 West Boulevard | 44102 |
| 12 | Anthony Brancatelli | 6924 Ottawa Road | 44105 |
| 13 | Kevin J. Kelley | 5904 Parkridge Avenue | 44144 |
| 14 | Brian J. Cummins | 3104 Mapledale Avenue | 44109 |
| 15 | Matthew Zone | 1228 West 69th Street | 44102 |
| 16 | Brian Kazy | 4300 West 143rd Street | 44135 |
| 17 | Martin J. Keane | 15907 Colletta Lane | 44111 |

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

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

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

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

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

Matt Gray, Executive Assistant to the Mayor, Chief of Sustainability

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

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

Duane Deskins, Executive Assistant to the Mayor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults

Dan Williams, Media Relations Director

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

DIVISIONS:

Architecture and Site Development – _____ Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – James DeRosa, Commissioner

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

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

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

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

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

Room 100

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

Natasha Brandt, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – James Hartley, Interim 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 – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Kim Johnson, Interim Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Samuel Gissentener, 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 Siosiak, Commissioner, 75 Erieview Plaza

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

DIVISIONS:

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

Street

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

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

Fire – Patrick Kelly, Chief, 1645 Superior Avenue

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

DEPT. OF COMMUNITY DEVELOPMENT – Michael Cosgrove, Director

DIVISIONS:

Administrative Services – Joy Anderson, Commissioner

Fair Housing and Consumer Affairs Office – John Mahoney, Manager

Neighborhood Development – James Greene, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner

Construction Permitting – Narid Hussain, Commissioner

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

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

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

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

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

Chairman, Council Member Brian Cummins, Eugene R. Miller (Board Lawyer), Roosevelt

E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John

O. Horton, Gary Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland

Muhammad, Gia Hoa Ryan, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, 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, Kelley Britt, Joan Shaver Washington, Tim Donovan, Elizabeth Kukla,

Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516,

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

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

Sullivan.

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

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

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

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

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

Public Utilities Director Robert L. Davis; Council President Kevin J. Kelley.

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

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

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

FAIR HOUSING BOARD – _____, Chair; Daniel Conway, Robert L. Render,

Genesis O. Brown.

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

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

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

Kevin Kelley.

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

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

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

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

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

Langhenry.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Pinkey S. Carr – Courtroom 15C

Judge Marilyn B. Cassidy – Courtroom 13A

Judge Janet Rath Colaluca – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 14C

Judge Emanuella Groves – Courtroom 14B

Judge Jimmy L. Jackson, Jr. – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

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

Judge Ronald J.H. O'Leary (Housing Court Judge) – Courtroom 13B

Judge Michael R. Sliwinski – Courtroom 13C

Judge Suzan Marie Sweeney – Courtroom 12C

Judge Joseph J. Zone – Courtroom 14D

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

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

Magistrate.

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 104

WEDNESDAY, NOVEMBER 8, 2017

No. 5422

CITY COUNCIL

MONDAY, NOVEMBER 6, 2017

The City Record
Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland
The City Record is available
online at
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 MAY 15, 2017

MONDAY — Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

The following Committees meet at the Call of the Chair:

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 1, 2017

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 1, 2017 at 10:36 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Davis, Kennedy, Acting Director Johnson, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Absent: Mayor Jackson and Director Dumas.

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

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

Jennifer Wiman, Acting Director, Office of Equal Opportunity.

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

Resolution No. 556-17.

By Director Davis.

Be it resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by KMU Trucking & Excavating, LLC under Contract No.

PI2017*42 for the public improvement of the Thrush Avenue Sewer Replacement Project, for the Division of Water Pollution Control, Department of Public Utilities, is approved:

Subcontractor CSB/MBE/FBE Work

Dot Diamond Core Drilling Non-Certified
\$ 8,000.00 (.010%)

Newcomer Concrete Non-Certified
\$20,000.00 (.026%)

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Johnson, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 557-17.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Sunbelt Rentals, Inc. for an estimated quantity of rental of various heavy duty equipment, Group A-all items, Group B-all items and Group C-all items, for the various Divisions of the Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on August 25, 2017 under the authority of Ordinance No. 415-17, passed May 8th, 2017, which on the basis of the estimated quantity would amount to \$170,000.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Johnson, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 558-17.

By Director Kennedy.

Whereas, under the authority of Ordinance No. 1850-06, passed by the Council of the City of Cleveland on April 2, 2007, and Board of Control Resolution No. 72-08, adopted February 6, 2008, the City through its Director of Port Control, entered into City Contract No. 67743 with BAA USA, Inc. to manage all retail merchandise and food and beverage concessions at Cleveland Hopkins International Airport, including the remote rental car facility, and installation of one automated teller machine at Burke Lakefront Airport and set a concession fee for each year of the initial and option terms; and

Whereas, under the authority of Board of Control Resolution No. 386-08, adopted August 6, 2008, this Board consented to the assignment of City Contract No. 67743 from BAA USA, Inc. to BAA Cleveland, Inc. ("BAAC"); and

Whereas, under the authority of Board of Control Resolution No. 116-09, adopted April 8, 2009, this Board amended the concession fees payable by BAAC; and

Whereas, under the authority of Board of Control Resolution No. 47-10, adopted February 10, 2010, this Board further amended the concession fees payable by BAAC; and

Whereas, by Board of Control Resolution No. 256-10, adopted June 23, 2010, this Board consented to the acquisition of all of the shares of BAA USA (Holdings), Inc., the sole shareholder of all BAA Cleveland, Inc. shares, by Prospect Capital Corporation or an entity directly or indirectly owned or controlled by Prospect Capital Corporation or its affiliate; and

Whereas, by Board of Control Resolution No. 432-10, adopted October 20, 2010 this Board acknowledged BAAC's change of name from BAA Cleveland, Inc. to AIRMALL Cleveland, Inc.; and

Whereas, under the authority of Board of Control Resolution No. 235-12, adopted May 30, 2012, this Board amended the concession fees payable by AIRMALL Cleveland, Inc., fka BAAC; and

Whereas, under the authority of Board of Control Resolution No. 318-14, adopted July 9, 2014, this Board further amended the concession fees payable by AIRMALL Cleveland, Inc.; and

Whereas, due to the closure of Concourse D, the City has determined that the concession fees set forth in Resolution No. 72-08 and incorporated in City Contract No. 67743 for the period starting January 1, 2017 and ending January 15, 2019, or at the end of the optional renewal term, if exercised, should be reduced; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the concession fees set forth in Resolution No. 72-08, adopted February 6, 2008, and incorporated in City Contract No. 67743 for the period starting January 1, 2017 and ending January 15, 2019, or at the end of the optional renewal term, if exercised, are amended as follows:

| CURRENT CONCESSION FEES | | | AMENDED CONCESSION FEES | | |
|---|---|----------------|--|---|----------------|
| Period | MAG | Percentage Fee | Period | MAG | Percentage Fee |
| January 1, 2016 through December 31, 2016 | The greater of \$5,000,000 or 80% of the prior year's concession payment amount | 70% | January 1, 2017 through January 15, 2019 and the Option Term | The greater of \$4,100,000 or 75% of the prior year's concession payment amount | 75% |

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Johnson, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 559-17.

By Director Kennedy.

Whereas, Ordinance No. 846-17, passed October 9, 2017, by the Council of the City of Cleveland, repeals Sections 139.04, 139.041, 139.05, and 139.051 of the Codified Ordinances of Cleveland, Ohio, 1976, enacts new Sections 139.04 and 139.05, and provides that, upon the concurrence of this Board of Control, the Divisions of Cleveland Hopkins International Airport and Burke Lakefront Airport are discontinued and the Division of Airports is established in the Department of Port Control; and

Whereas, Section 79 of the Charter of the City of Cleveland requires the concurrence of this Board of Control for the establishment or discontinuance of any division by the Charter or by the Council by ordinance; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board concurs in the discontinuance of the Divisions of Cleveland Hopkins International Airport and Burke Lakefront Airport and in the establishment of the Division of Airports in the Department of Port Control, under the terms and conditions set forth in Ordinance No. 846-17, passed by Cleveland City Council on October 9, 2017.

Be it further resolved that the Secretary of the Board of Control is instructed to file a certified copy of this resolution with the Clerk of

Council immediately upon the adoption of this resolution for attachment to Ordinance No. 846-17.

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Johnson, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 560-17.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cook Paving and Construction Co., Inc. for the public improvement of the 4th and 5th Police District Parking Lots Improvements, Base Bid Package A, Items A-3 through A-6, and Base Bid Package B, Items A through C and Optional Items B-3 through B-7, for the Office of Capital Projects, received on September 20, 2017 under the authority of Ordinance No. 734-14 passed June 9, 2014, upon a gross price basis for the improvement in the aggregate amount of \$396,595.00, is affirmed and approved as the lowest responsible bid, and the Director of the Office of Capital Projects is authorized to enter into contract with the bidder.

Be it further resolved, by the Board of Control of the City of

Cleveland that the employment of the following subcontractor by Cook Paving and Construction Co., Inc. is hereby approved:

| <u>Subcontractor</u> | <u>CSB/MBE/FBE</u> |
|---------------------------|--------------------|
| <u>Amount</u> | <u>Percentage</u> |
| RAR Contracting Co., Inc. | CSB |
| \$86,000.00 | 21.7% |

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Johnson, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 561-17.

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 offer valet parking services to the general public for the Performed Line Products Awards Banquet Ceremony Event to be held at Public Hall on November 11, 2017, by using the Willard Park Garage; now, therefore,

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

that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a concession agreement with Towne Park, LLC to use Willard Park Garage to offer valet parking services to the public for a fee per event of \$450.00 plus \$5.00 per vehicle parked for the above-mentioned event to be held at Public Hall on November 11, 2017 from 5:00 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, Acting Director Johnson, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 562-17.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Cerni Motor Sales, Inc., for an estimated quantity of various International truck parts and labor, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for a period of one year, beginning with the date of execution of a contract, with two one-year renewal options, received on September 28, 2017 under the authority of Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$624,875.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services specified.

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

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Johnson, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

Application blanks must be properly filled out on the official form

prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date stated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. There-after, 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, NOVEMBER 20, 2017

9:30 A.M.

Calendar No. 17-310: 1530 Saint Clair Avenue (Ward 3)

Care Alliance, owner, proposes to install one 2' x 8' (16 square feet), double-sided projecting identification sign in a C3 Semi-Industry District. The owner appeals for relief from the strict application of Section 350.15(b) of the Cleveland Codified Ordinances which states that the sign type (projection sign) is not listed in schedule of permitted signs by structural type, thus is prohibited. (Filed October 11, 2017)

Calendar No. 17-311: 12702 Bellaire Road (Ward 11)

Asmar Properties, LLC., owner, proposes to establish use as barber shop in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 352.10 which states that a 6' wide landscape strip is required in front of lot along Bellaire Rd where parking abuts street; none is proposed.

2. Section 358.05 which states that a fence in the actual front yard shall not exceed 4' in height and shall not be less than 50% open the proposed fence in actual front yard is higher than 4'. (Filed October 12, 2017)

Calendar No. 17-312: 6815 Euclid Avenue (Ward 7)

Little Buddy Properties LLC., owner, proposes to construct a parking lot in the Midtown Mixed Use District 2 (MMUD2). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 344.05(B)(1)(a) which states that parking must be set back a minimum thirty feet from the street.

2. Section 344.09 (a)(1)(B) which states that in the MMUD-2, the landscaped frontage strips shall be at least twenty feet.

3. Section 344.09 (a)(1)(B)(4) which states that a landscaping plan shall be submitted consistent with the requirements of Section 352.04; none provided.

4. Section 349.15(f) which states that the required bicycle parking spaces shall be located at least as close to the entrance of the building as the nearest non-handicapped automobile parking space.

5. Section 352.05(c) which states that the site lighting is required and not details were provided. (Filed October 12, 2017)

Calendar No. 17-316: 1908 West 58th Street (Ward 15)

JMJ North Coast, owner, proposes to erect a 20' - 4" x 23' - 10" two story frame second floor master bedroom addition to an existing single family residence in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(A) which states that no building shall be erected less than 10' from a main building on adjoining lot the appellant is proposing 5' and 3' - 6".

2. Section 357.09(b)(2)(B) which states that the Required Interior side yard shall not be less than 6' and the appellant is proposing 3' - 6" and zero (0) feet for the dwelling. The total width of both Interior Side yards shall not be less than 10'; proposing 3' - 6". Roof eaves and gutters shall not project over property lines. (Filed October 16, 2017)

Appeal from Assessments and Licenses

Calendar No. 17-317: Suspension of Vendor Permit #LUVU17-0097 - Zone 3 (Ward 3)

Christine Hill appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) and Section 675 of the Cleveland Codified Ordinances from the decision of the Division of Assessments and Licenses to suspend the vendor permit #LUVU17-0097 from October 1 through October 30, 2017 due to violations of Vendors Rules and Regulations. (Filed October 18, 2017)

Calendar No. 17-318: 4010 East 116th Street (Ward 2)

L & C, owner, proposes to store brick, concrete and dirt in a B3 Semi-Industry District. The owner appeals for relief from the strict application of Section 345.03(c)(33) of the Cleveland Codified Ordinances which states that there shall be no storage of used building material on the premises. (Filed October 20, 2017)

Calendar No. 17-330: 1286 West 76th Street (Ward 15)

Aaron Taylor, owner, proposes to build a 1,264 square foot addition to existing single family residence located on a 4,400 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 359.01(a) which states that no enlargement or expansion shall be permitted except by special permit from the Board of Zoning Appeals

2. Section 355.04(a) which states that the maximum gross floor area in a "B" Area shall not exceed 1/2 the lot area, or 2,200 square feet and 2,602 square feet are proposed.

3. Section 357.09(b)(2)(B) which states that in a Two Family Residential District no interior side yard shall be less than 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 building height is 33 feet, 2 inches; thus no interior side yard shall be less than 8 feet 3 and a half inch where a 3 foot side yard is proposed and the aggregate width of side yards is 18 feet 3 inches. (Filed October 30, 2017)

**POSTPONED FROM
OCTOBER 23, 2017**

Violation Notice

Calendar No. 17-271: 4115 Howlett Avenue (Ward 3)

Anna Jiminian, tenant, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number 17031844 issued on August 28, 2017 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building. (Filed September 7, 2017 - No Testimony).

Second postponement made at the request of the appellant due to a scheduling conflict. First postponement made at due to an error in public notice.

**REINSTATED FROM
OCTOBER 16, 2017**

Calendar No. 17-277: 4607 Clinton Avenue (Ward 3)

Clinton Suites, LLC., owner, proposes to erect a 68 square foot addition to a single family residence located in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 357.08 of the Cleveland Codified Ordinances which states that the depth of the required rear yard shall not be less than 20 feet and a 14 foot rear yard is proposed. (Filed September 11, 2017 - No Testimony)

Appellant did not receive his notice therefore was not aware of previous meeting.

**POSTPONED FROM
OCTOBER 16, 2017**

Calendar No. 17-288: 2707 Barber Avenue (Ward 3)

Beta Propco LLC., owner, proposes to change use of an industrial building to 69 dwelling units in a C1 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that in a "C" area district the maximum gross floor area of building to be used for residential purpose cannot exceed one half of the lot area. In this case 31,024 maximum square foot floor area is permitted and 56,725 square feet gross floor area proposed.

2. Section 349.04(a) which states that 69 accessory off street parking spaces are required and 59 parking spaces proposed.

3. Section 352.10 which states that a six foot wide landscaped transition strip is required where parking lot abuts street.

4. Section 357.01 which states that side and rear yards are required and none are proposed. Per Section 357.05(a), a five foot side street yard is required along West 30th street and per Section 357.08(b)(2) a 20 foot rear yard is required. (Filed September 19, 2017 - No Testimony)

First postponement made at the request of the councilman to allow for time for a community meeting.

**POSTPONED FROM
NOVEMBER 6, 2017**

Calendar No. 17-296: 2925 Detroit Avenue (Ward 3)

AK Detroit My Place, LLC., owner, proposes to change use to restaurants, retail stores, amusement/recreation and a dwelling unit in a D2 Local Retail Business District and in a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that Amusement and recreation (GYM) is not permitted in Local Retail but first permitted in General Retail per Section 343.11(b)(2)(L).

2. Section 349.04 which states that a total of 18 parking spaces required (1 space for storage, 13 spaces for restaurant, 3 for retail, 9 for GYM and 1 for one dwelling unit space reduced by one third as required for Pedestrian Retail Overlay). Twelve parking spaces provided. (Filed September 29, 2017 - No Testimony)

First postponement made at the request of the appellant to allow for time for landmarks review.

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, NOVEMBER 6, 2017

At the meeting of the Board of Zoning Appeals on Monday, November 6, 2017 the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED:**

Calendar No. 17-298: 12813 Bellaire Road
CMD Bellaire LLC., owner, and Dollar Tree, tenant, propose to erect an 8' x 3' six foot high identification ground sign in a C1 Local Retail Business District.

Calendar No. 17-301: 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.

Calendar No. 17-302: 3704 West 122nd Street

Mike and Nona Kegg, owners, propose to erect an 18' x 20' aluminum & wooden open carport to an existing reverse gable garage in the rear of single family residence in an A1 One Family Residential District.

Calendar No. 17-303: 19201 Puritas Avenue

The estate of Doris Fiorelli, owner, and Dale Heyink, prospective purchaser, propose to change use of single family house to office and accessory use to the adjacent retail garden center in an A1 One 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. 17-294: Harstone Electric
1810 West 48th Street. Postponed to November 27, 2017.

Calendar No. 17-295: Appeal from Assessments and Licenses
1212 & 1260 Sumner Court. Postponed to December 11, 2017.

Calendar No. 17-296: AK Detroit My Place, LLC
2925 Detroit Avenue. Postponed to November 20, 2018.

Calendar No. 17-297: Intermodal Facilities
16219 Saranac Road. Postponed to December 4 2017.

Calendar No. 17-309: Connor Sweeney
2702 Bridge Avenue. Postponed to November 27, 2017.

The following cases were heard by the Board of Zoning Appeals on Monday, October 30, 2017 and the decisions were adopted and approved on Monday, November 6, 2017:

The following appeals were **APPROVED:**

Calendar No. 17-292: 1339 West 65th Street
Eddie Martinez, owner, proposes to build a 36' - 6" x 24' (876 square foot) wood frame garage on a 4,560 square foot lot in a B1 Two-Family Residential District.

Calendar No. 17-293: 1324 West 65th Street

Case Development, owner, proposes to erect a 19' x 57' - 10" two story masonry frame single family residence in a B1 Two-Family Residential District.

Calendar No. 17-300: 15111 Miles Avenue

CMSD, owner, proposes to construct a new high school in an A1 One Family Residential District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of November 1, 2017

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in the City Record:

* * *

Docket A-118-17.

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

Docket A-118-17 has been POSTPONED; to be rescheduled for January 10, 2018.

* * *

Docket A-119-17.

RE: Appeal of 2530 Superior Avenue, LLC, Owner of the Property, located on the premises known as 2530 Superior Avenue from a NOTICE OF VIOLATION — FIRE CODE, dated May 18, 2017 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 1, 2018 to present a complete set of plans and a schedule for abating the violations on the property; the property is REMANDED at this time to the Division of Fire 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-122-17.

RE: Appeal of Lareesa Rice, Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property, located on the premises known as 11917 St. John Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 24, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until February 1, 2018 to complete abatement of the violations and all required inspections; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-160-17.

RE: Appeal of William R. Peppers III, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 1845 West 52nd Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated July 13, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until December 31, 2017 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-161-17.

RE: Appeal of Rosa Sosa, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame and One Story Garage - Detached; Wood Frame Property, located on the premises known as 3788 West 31st Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated April 18, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 18, 2017 to submit plans to the Building Department to obtain all required permits and enroll in the rehabilitation plan; 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-163-17.

RE: Appeal of Terra Gateway Holdings, LLC, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two &

One/half Story Masonry Walls/Wood Floors Property, located on the premises known as 15213 Ridpath Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 2, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until December 1, 2017 to prepare a plan for abatement of the Condemnation Order; 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-164-17.

RE: Appeal of Patricia Coughlin, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property, located on the premises known as 4696 West 149th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 29, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until 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-165-17.

RE: Appeal of Kathleen N. Crowther, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two Story Frame Property, located on the premises known as 1112 Kenilworth Avenue from a NOTICE OF VIOLATION — INTERIOR/ EXTERIOR MAINTENANCE, dated August 9, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until February 1, 2018 to obtain all required permits and complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

Docket A-166-17.

RE: Appeal of Barbara G. Finley, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 3554 East 105th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 8, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-166-17 has been POSTPONED; to be rescheduled for November 29, 2017.

* * *

Docket A-167-17.

RE: Appeal of Leslie King II, Owner of the Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property, located on the premises known as 2209 East 80th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated August 14, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until March 1, 2018 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-168-17.

RE: Appeal of Onetha Russell, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 10121 South Boulevard from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 10, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-168-17 has been POSTPONED; to be rescheduled for November 15, 2017.

* * *

Docket A-169-17.

RE: Appeal of Nemet Capital LLC, Owner of the MXD Mixed Uses -Multiple Uses In One Building One Story Masonry Property, located on the premises known as 3313 West 140th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated August 9, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-169-17 has been POSTPONED; to be rescheduled for December 13, 2017.

Docket A-170-17.

RE: Appeal of Nemet Capital LLC, Owner of the MXD Mixed Uses -Multiple Uses In One Building One Story Masonry Walls/Wood Floors Property, located on the premises known as 3321 West 140th Street from a NOTICE OF VIOLATION — UNAUTHORIZED/ILLEGAL USE, dated August 9, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-170-17 has been POSTPONED; to be rescheduled for December 13, 2017.

* * *

Docket A-171-17.

RE: Appeal of All Boys LLC, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 3543 West 69th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated August 29, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until March 1, 2018 to complete abatement of the violations, with additional time with satisfactory progress, and that the residence may be occupied upon agreement with the inspector; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

EXTENSION OF TIME:

Docket A-29-17.

Curtis B. Harris — 3301 East 79th Street;

A motion is in order at this time to grant the Appellant until June 01, 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.

* * *

AMENDED RESOLUTION:

Docket A-152-17.

CJ & GJ Properties, LLC — 3686 East 108th Street;

FROM: ...grant the Appellant until November 1, 2017 to obtain the required HVAC and plumbing permits; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action...

TO: ...grant the Appellant until December 31, 2017 to obtain all required permits and complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action...

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-129-17 — Bryan Foerster
- A-149-17 — Cleveland Thermal, LLC
- A-151-17 — Potters Industries LLC
- A-152-17 — CJ & GJ Properties, LLC (Amended)
- A-154-17 — Rosalind Taylor
- A-155-17 — Gregory Hunter
- A-156-17 — Oscar Rodriguez
- A-158-17 — Dalilah Burks
- A-159-17 — Shelia D. Davis
- A-187-17 — Huntington National Bank

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

* * *

APPROVAL OF MINUTES:

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

October 18, 2017

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, November 21, 2017
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, November 21, 2017, at 9:30 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 1052-17.

By Council Member J. Johnson.
An emergency ordinance designating the Brown Hoisting Machinery Office Building as a Cleveland Landmark.

Ord. No. 1053-17.

By Council Member Jeffrey D. Johnson.
An emergency ordinance designating the Brown Hoisting Machinery Warehouse as a Cleveland Landmark.

Ord. No. 1054-17.

By Council Member J. Johnson.
An emergency ordinance designating the International Savings and Loan Building (aka St. Clair Bank) as a Cleveland Landmark.

Ord. No. 1256-17.

By Council Member Kelley.
An ordinance changing the Use, Height and Area Districts of parcels west of Pearl Road between Wildlife Way and Ardmore Avenue and adding an Urban Form Overlay and as identified on the attached map (Map Change No. 2570).

Anthony Brancatelli, Chair
Committee on Development,
Planning and Sustainability

November 8, 2017 and November 15, 2017

CITY of CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or

FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

NO BIDS

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1293-17.

By Council Members Brady, Brancatelli, Cleveland, Conwell, Cummins, Griffin, J. Johnson, K. Johnson, Kazy, Keane, Kelley, McCormack, Polensek, Pruitt, Reed, and Zone.

An emergency resolution urging Congress to preserve the federal Historic Tax Credit in its efforts at tax reform and its proposed budget plan and encouraging Ohio members of Congress to cosponsor the Historic Tax Credit Improvement Act.

Whereas, the federal Historic Tax Credit (HTC) was created in 1981 as a tool to drive economic development through the restoration and reuse of America's historic buildings; and

Whereas, the HTC is a widely used redevelopment tool, helping to revitalize cities, towns and rural communities across the country; the HTS stimulates economic growth through private investment that creates jobs; and

Whereas, the HTC program establishes a 20% income tax credit for the rehabilitation of historic, income-producing buildings that are determined by the U.S. Secretary of the Interior, through the National Park Service, to be certified historic structures; and

Whereas, the tax incentives for preservation attract private investment to the historic cores of cities and towns; generate jobs, enhance property values, and augment revenues for state and local governments through increased property, business and income taxes; and

Whereas, cities like Cleveland lack authority to raise local revenues to offset deep and unending cuts to federal grants and tax incentives; this means that tax incentives like HTC are irreplaceable as sources of financing for local community and economic development; and

Whereas, recently, federal Republican leadership released a tax reform framework that does not specifically preserve the HTC and "envisions" that most business tax credits will be repealed; and

Whereas, while the need for tax reform is clear, it must not come at the expense of the HTC: an important economic redevelopment incentive that more than pays for itself, and has a proven track record of creating jobs, saving historic buildings and revitalizing neighborhoods; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

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

Section 1. That this Council urges Congress to preserve the federal Historic Tax Credit in its efforts at tax reform and its proposed budget plan.

Section 2. That this Council encourages all Ohio members of congress to cosponsor the Historic Tax Credit Improvement Act.

Section 3. That the Clerk of Council is directed to transmit copies of this resolution to the members of the U.S. House Ways and Means Committee, the Senate Finance Committee, and Downtown Cleveland Alliance.

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

Adopted October 30, 2017.
Effective November 1, 2017.

Res. No. 1316-17.

**By Council Member Kazy.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 12520 Lorain Avenue and repealing Resolution No. 255-17 objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a C1 and C2 Liquor Permit to Jaspree, Inc., DBA Convenient Food Mart, 12520 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 4248535 by Resolution No. 255-17 adopted by the Council on March 6, 2017; and

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

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

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

Section 1. That objection to the transfer of ownership of C1 and C2 Liquor Permit to Jaspree, Inc., DBA Convenient Food Mart, 12520 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 4248535, be and the same is hereby withdrawn and Resolution No. 255-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted October 30, 2017.
Effective November 1, 2017.

Res. No. 1317-17.

By Council Member Brancatelli.
**An emergency resolution with-
drawing objection to the transfer of
ownership of a C1 and C2 Liquor
Permit at 1303 Clark Avenue and
repealing Resolution No. 298-17
objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a C1 and C2 Liquor Permit to 1303 Clark, Inc., 1303 Clark Avenue, Cleveland, Ohio 44109, Permit Number 6548354 by Resolution No. 298-17 adopted by the Council on March 20, 2017; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 1303 Clark, Inc., 1303 Clark Avenue, Cleveland, Ohio 44109, Permit Number 6548354, be and the same is hereby withdrawn and Resolution No. 298-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted October 30, 2017.

Effective November 1, 2017.

Res. No. 1318-17.

By Council Member Cleveland.
**An emergency resolution with-
drawing objection to the transfer of
location of a C1 and C2 Liquor Per-
mit at 2165-2167 East 55th Street and
repealing Resolution No. 466-17
objecting to said transfer.**

Whereas, this Council objected to the transfer of location of a C1 and C2 Liquor Permit to Cedar Gas, Inc., 2165-2167 East 55th Street, Cleveland, Ohio 44103, Permit No. 1350295 by Resolution No. 466-17 adopted by the Council on April 24, 2017; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; 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 location of a C1 and C2 Liquor Permit to Cedar Gas, Inc., 2165-2167 East 55th Street, Cleveland, Ohio 44103, Permit No. 1350295, be and the same is hereby withdrawn and Resolution No. 466-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted October 30, 2017.

Effective November 1, 2017.

Res. No. 1319-17.

By Council Member Cleveland.
**An emergency resolution with-
drawing objection to a New C1
Liquor Permit at 2288 East 55th
Street and repealing Resolution No.
418-17, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit at Fifty Five Deli, Inc., DBA Fifty Five Deli Express, 2288 East 55th Street, Cleveland, Ohio 44103, Permit Number 2714519 by Resolution No. 418-17 adopted by the Council on April 16, 2017; and

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

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

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

Section 1. That objection to a New C1 Liquor Permit at Fifty Five Deli, Inc., DBA Fifty Five Deli Express, 2288 East 55th Street, Cleveland, Ohio 44103, Permit Number 2714519, be and the same is hereby withdrawn and Resolution No. 418-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted October 30, 2017.

Effective November 1, 2017.

Res. No. 1320-17.

By Council Member Griffin.
**An emergency resolution with-
drawing objection to the renewal of
a C1 and C2 Liquor Permit at 3363
East 93rd Street and repealing Res-
olution No. 973-16 objecting to said
renewal.**

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to AH & TA, Inc., 3363 East 93rd Street, Cleveland, Ohio 44104, Permit Number 0077921 by Resolution No. 973-16, adopted by the Council on August 10, 2016; and

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

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

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

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to AH & TA, Inc., 3363 East 93rd Street, Cleveland, Ohio 44104, Permit Number 0077921, be and the same is hereby withdrawn and Resolution No. 973-16, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted October 30, 2017.

Effective November 1, 2017.

Res. No. 1321-17.

By Council Member Brady.
**An emergency resolution with-
drawing objection to the transfer of
location of a D5 Liquor Permit at
12501 Lorain Avenue, and repealing
Resolution No. 1055-17, objecting to
said transfer.**

Whereas, this Council objected to the transfer of location of a D5 Liquor Permit to Tapatias Food, LLC, DBA Tapatias Tequeria, 12501 Lorain Avenue, Cleveland, Ohio 44111, Permit No. 8798595 by Resolution No. 1055-17 adopted by the Council on September 18, 2017; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; 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 location of a D5 Liquor Permit to Tapatias Food, LLC, DBA Tapatias Tequeria, 12501 Lorain Avenue, Cleveland, Ohio 44111, Permit No. 8798595, be and the same is hereby withdrawn and Resolution No. 1055-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted October 30, 2017.

Effective November 1, 2017.

Res. No. 1324-17.

By Council Member K. Johnson.
**An emergency resolution object-
ing to the transfer of stock of a C2
and C2X Liquor Permit to 2886
Woodhill Road, 1st floor and base-
ment.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a transfer of stock of a C2 and C2X Liquor Permit at Ya Corp, Inc., DBA Nikkis Market, 2886 Woodhill Road, 1st floor and basement, Cleveland, Ohio 44104, Permit Number 9804492; and

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

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

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

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

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

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That Council does hereby record its objection to a transfer of stock of a C2 and C2X Liquor Permit at Ya Corp, Inc., DBA Nikkis Market, 2886 Woodhill Road, 1st floor and basement, Cleveland, Ohio 44104, Permit Number 9804492, and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 30, 2017.

Effective November 1, 2017.

Ord. No. 1009-17.

By Council Member Brancatelli.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 347.19 and to amend Section 343.11 of the Codified Ordinances of Cleveland Ohio, 1976, as amended by Ordinance No. 1396-14, passed December 10, 2014 and Section 345.02, as amended by Ordinance No. 2215-96, passed April 7, 1997, relating to state-licensed medical marijuana cultivators, processors, retail dispensaries, and testing laboratories.

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

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

Section 1. That the Codified Ordinances of the City of Cleveland, 1976 are supplemented by enacting new Section 347.19 to read as follows:

Section 347.19 State-licensed Medical Marijuana Cultivators, Processors, Retail Dispensaries and Testing Laboratories

(a) *Purpose.* This section regulates the location and separation of State-licensed Medical Marijuana Cultivators, Processors, Retail Dispensaries, and Testing Laboratories in order to protect the public health and safety and to protect the character of residential areas. This section complies with Ohio Revised Sections 3796.29 and 3796.30 and does not intend to impair the use of state-licensed medical marijuana entities.

(b) *Definitions.* As used in this section and in this Zoning Code, and defined in the Ohio Administrative Rules 3796:1-1-01 (A):

(1) "Cultivator" means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796 of the Ohio Revised Code.

(2) "Manufacture" means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.

(3) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(4) "Medical marijuana entity" means a licensed medical marijuana cultivator, processor, dispensary or testing laboratory.

(5) "Processor" means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to manufacture medical marijuana products.

(6) "Retail Dispensary" means an entity licensed pursuant to section 3796.04 and 3796.10 of the Revised Code and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.

(7) "Testing laboratory" means an independent laboratory located in Ohio that has been issued a certificate of operation by the Ohio Department of Commerce to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

(c) *Location.* Where permitted in a particular use district, no state-licensed medical marijuana cultivator, processor, retail dispensary or laboratory that tests medical marijuana, shall be located or relocated within 500 feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground or public park. This requirement does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity. As used in this section "state university" and "academic medical center" have the same meaning as in section 3796.01 of the Revised Code. (ORC Section 3796.30).

Section 2. That Section 343.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1396-14, passed December 8, 2014 and Section 345.02, as amended by Ordinance No. 2215-96, passed April 7, 1997 are amended to read as follows:

Section 343.11 General Retail Business Districts

(a) "General retail business" means an enterprise for profit for the convenience and service of, and dealing directly with, and accessible to, the ultimate consumer; neither injurious to adjacent premises or to the occupants thereof by reason of the emission of cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibrations; nor dangerous to life or property. It includes buildings or spaces necessary to a permitted use for making or storing articles to be sold at retail on the premises. Except as provided in division (b) of this section, it does not include any establishment which supplies a retail outlet other than that on the premises, or any building or use specifically mentioned as permitted only in a Semi-Industry or Industry District.

(b) *Permitted Buildings and Uses.* The following buildings and uses are permitted in a General Retail Business District; and no buildings or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one (1) or more of the following specified uses:

(1) Except as otherwise provided in this Zoning Code, all uses permitted and as regulated in any Local Retail Business District;

(2) All retail business uses and buildings specified in division (b) of Section 343.01, and uses and buildings to provide for:

A. The sale of food and beverages of all kinds, including sale for consumption on the premises;

B. The sale of general merchandise, including sale in department stores;

C. The sale of apparel of all kinds;

D. The sale of furniture and household goods, including furniture and accessory furniture storage;

E. The sale of other goods or merchandise;

F. Eating places of all types;

G. Service establishments: service establishments permitted in a Local Retail Business District without limitation on the number of persons engaged in such work or business; mortuary or undertaking establishment; printing shop, provided not more than five (5) persons are

engaged in such work or business; research laboratory, radio or television station, telephone exchange or transformer station, provided all buildings and structures except fences and barriers are located not less than fifteen (15) feet from a Residence District; hospital, sanitarium, convalescent home, rest home, nursing home, orphanage or home for the infirm or aged, provided that all main buildings are not less than fifteen (15) feet from any adjoining premises in a Residence District not used for a similar purpose; cat and dog hospital or pet shop, provided noise and odors are effectively confined to the premises;

H. Business offices and services: in addition to the uses permitted in Local Retail Districts, office buildings, banks, business colleges, private trade schools;

I. Automotive services: in addition to the uses permitted in Local Retail Districts:

1. Motor vehicle service station, as defined in Section 325.486, and meeting the provisions of Section 343.14;

2. Car wash, as defined in Section 325.111, and meeting the provisions of Section 343.14;

3. Motor vehicle service garage, as defined in Section 325.487, and meeting the provisions of Section 343.14;

4. Motor vehicle sales facility, as defined in Section 325.485, except for vehicles exceeding six thousand (6,000) pounds of gross vehicle weight.

J. House trailer or travel trailer park, as defined in RC 3733.01, when approved by the Board of Zoning Appeals after public hearing, and when used and maintained in conformity with any conditions specified in such approval;

K. Signs: signs permitted in accordance with the requirements of Chapter 350;

L. Amusement and recreation: armory, assembly hall, bowling alley, dance hall, video and pinball arcade, pool and billiards theater, skating rink or other social, sport or recreational center operated as a business, all such uses subject to the regulations of Section 347.12 and adult entertainment uses, subject to Section 347.07, provided that the place or building in which any such amusement or recreation use is operated is sufficiently sound-insulated to confine the noise to the premises;

M. Transportation services: railroad station; public service station; bus passenger station; bus terminal, provided the roadway of the street upon which the bus entrance or exit is located is at least forty-four (44) feet wide between curbs;

N. Office, display or sales space of a wholesale, jobbing or distributing establishment and specifically mentioned as permitted only in a less restricted district, in connection with which not more than twenty-five percent (25%) of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise and provided that:

1. Any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration is effectively confined to the premises;

2. The ground floor premises facing upon and visible from a major street upon which the premises abut shall be used only for entrances, offices or display;

3. Adequate off-street loading and unloading facilities are provided and so designed that any standing vehicles using them shall be within the property lines and be either not visible from streets within Retail Business, Local Retail Business or Residence District, or not nearer than fifty (50) feet to such streets.

O. Retail poultry business: either as a main use or as an accessory use, including the storing and killing of poultry or game to be sold entirely at retail upon the premises and directly to the ultimate consumer, provided that the enterprise is conducted in strict compliance with all applicable statutes, laws, rules and regulations, including those requiring rat-proofing, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odor, smoke or noise or the accumulation of refuse or offal, and provided further that the buildings in which the killing, storing and selling are done are either detached masonry structures or part of a masonry building used entirely for the handling of poultry and/or game.

1. A detached masonry structure used for slaughtering or for storing of live poultry shall have not less than one hundred (100) square feet of floor area and shall be located at least ten (10) feet from any other building or part thereof on the same lot which is used for human habitation, or as a place where other food is prepared, placed, kept or sold.

2. Where the slaughtering room is part of a masonry building used entirely for the handling of poultry and/or game, such slaughtering room shall be separated from the sales or storage room by a solid masonry wall in which there may be only one (1) opening not greater than four (4) square feet in size, located not less than four (4) feet above the floors of both rooms, equipped with either a self-closing window or self-closing door. Such slaughtering room shall be entered only from outside the building.

3. In either case, such slaughtering room shall be used only for killing, flicking and dressing and shall be not less than twenty-five (25) feet from the boundary of the premises upon which it is located. All offal and refuse must be kept in covered containers within such slaughtering room until removed from the premises.

Such slaughtering room and every building, room or space used for storage or sale of poultry or game in connection therewith shall be not less than three hundred (300) feet from any Residence District, church, school, playground, library or building of Institutional H Occupancy classification.

P. Tattooing and body piercing. As used in this division:

1. "Body Piercing" means the piercing of any part of the body by someone other than a physician licensed under RC Chapter 4731, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun.

2. "Tattoo" means any method utilizing needles or other instruments by someone other than a physician licensed under RC Chapter 4731, to permanently place designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a person with ink or any other substance resulting in an alteration of the appearance of the skin.

Q. Kennels, either as a main use or an accessory use, provided that all odors, fumes, and noise be confined to the premises and the lot upon which the kennel is located is greater than one hundred (100) feet from a residence district.

1. Notwithstanding division (d) (3) of Section 329.03, the Board, on application for a use variance, may permit a Kennel in any use district.

2. The limitations stated in divisions (b) and (c) of Section 329.03 shall not apply when deciding whether to issue a use variance for a Kennel, the Board shall evaluate the applicant Kennel's probable impact on the overall tranquility of the surrounding properties by considering all odors, noises, and fumes that will emanate from the lot on which the applicant Kennel is located.

R. Any other building, use or service similar to the uses herein listed in the type of services or goods sold, in the number of persons or cars to be attracted to the premises or in the effect upon adjacent areas in more restricted use districts;

S. Any accessory use customarily incident to a use authorized by this section, except that no use specified in divisions (b) and (c) of Section 345.04 as prohibited or permitted only by special permit in a General Industry District shall be permitted as an accessory use;

T. Hookah Lounge: any facility, establishment or location with patron seating or that is classified or seeks classification as an assembly use as defined in the Ohio Building Code whose business operation includes the smoking of tobacco or any organic or synthetic material, including but not limited to plants, herbs or tobacco, through one or more hookah pipes (also commonly referred to as a hookah, waterpipe, shisha or narghile), including but not limited to establishments known variously as hookah bars, hookah lounges, or hookah cafes that are exempt from the Smoke Free Workplace Act under RC 3794.03;

U. Vapor Lounge: any facility, establishment or location, whether fixed or mobile, with patron seating or that is classified or seeks classification as an assembly use as defined in the Ohio Building Code whose business operation includes the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor, or vapor or fumes from any other organic or synthetic material including but not limited to plants, herbs or tobacco, through one or more electronic or battery operated delivery device, including any device known as an electronic cigarette (also commonly referred to as e-cig, e-cigarette, e-pipe, electronic cigarillo, hookah pen, vape pen, vape pipe or any other electronic cigarette product), including but not limited to establishments known variously as vape bars, vape lounges, e-cigarette bars or vape cafes.

V. State-licensed Medical Marijuana Retail Dispensary, as defined in and subject to Section 347.19 of this Code.

(3) Hotels;
 (4) Motels;
 (5) Charitable institutions, including correctional halfway houses, as regulated in Section 347.15; and notwithstanding any Section of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Cuyahoga County Youth Intervention Center, providing temporary detention and shelter for juveniles, to be located at East 93rd Street, and Quincy Avenue.

345.02 Permitted Buildings and Uses in Residence-Industry District

Within any Residence-Industry District no building or premises shall be erected, altered, used, arranged or designated to be used, in whole or in part for other than one (1) or more of the following specified uses, provided that:

(a) All resulting cinders, dust, flashing, fumes, gases, noises, odors, refuse matter, smoke, vapors and vibrations are effectively confined to the premises;

(b) All materials are stored inside buildings;

(c) Setback building lines to the same extent as required in this Zoning Code for Residence Districts are observed on any street on which the Residence-Industry District adjoins a Residence District, and suitable planting is maintained in the setback area. Side yards and rear yards not less than twenty-five (25) feet are provided at lot lines which are also boundary lines of Residence Districts or of lots used for residences in a Local Retail Business District or Shopping Center district. A chain link fence not less than six (6) feet high is constructed on lot lines which are also boundary lines of Residence districts or of lots used for residences in a Local Retail Business District or Shopping Center District;

(d) There are adequate off-street loading and unloading facilities so designed that any standing vehicle using them is within the property lines and is either not visible from streets or not nearer than fifty (50) feet to streets;

(e) There is adequate off-street car parking for the employees, owners and others coming to the premises on matters incidental to the uses thereof, and adequate off-street parking of trucks in space so located as not to be visible from the streets or not nearer than fifty (50) feet to streets;

(f) Entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, then from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area;

(g) In the case of nonresidential use, trucking operations are not conducted evenings, nights, Sundays nor on holidays generally observed by business and single-shift industry;

(1) Any use permitted in a Multi-Family District;

(2) Office buildings, loft buildings, telephone exchanges, transformer stations, research laboratories;

(3) Retail tin shops and furnace shops, retail plumbing shops, and plumbing supply shops, signs, display or decorating shops, printing shops;

(4) The following uses if located not less than one hundred (100) feet from a Residence district: repair garage for repair or painting of motor vehicles, creamery, milk bottling or milk distributing stations;

(5) Operation of any internal combustion engines in connection with any use permitted in the District, provided such engines are equipped and operated only with an effective muffling device;

(6) Carpet cleaning, dry cleaning or dyeing, laundries, cold storage plants, bottling works, ice plants, ice cream plants, cigar factories;

(7) Wholesale, jobbing, distributing or warehouse establishments for such materials as cotton, wool, clothing, fabrics, furniture, hardware, ice, leather, metals other than scrap or junk metals, rubber, shop and store supplies, including the making, assembling, remodeling, repairing, altering, finishing or refinishing of these products or merchandise, provided the processes used comply with the limitations specified in this section;

(8) Machine shops in which only lathes, drill presses, hydraulic presses, shavers, milling machines, planers, grinders and similar tools are used, and no hammering, rolling, spinning, heat treating by other than induction processes or riveting is done and no forges, metal saws other than automatic hack saws, heavy shears, multiple spindle automatic screw machines or other noise or vibration-producing tools or machines are operated;

(9) Charitable institutions, including correctional halfway houses, as regulated in Section 347.15;

(10) Hospitals, sanitariums, nursing, rest or convalescent homes;

(11) State-licensed Medical Marijuana Cultivator, as defined in and subject to Section 347.19 of this Code.

(12) State-licensed Medical Marijuana Processor, as defined in and subject to Section 347.19 of this Code.

(13) Any other building or use similar in character and operation and in effect on conforming uses in adjoining more restricted use districts as the buildings or uses herein permitted.

Section 3. That existing Section 343.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1396-14, passed December 8, 2014 and Section 345.02, as amended by Ordinance No. 2215-96, passed April 7, 1997 are repealed.

Section 4. That maps depicting both City and state locations and separations of state-licensed medical marijuana cultivators, processors, retail dispensaries, and testing laboratories shall be placed in File No. 1009-17-A.

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

Passed October 30, 2017.

Effective November 1, 2017.

Ord. No. 1188-17.

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

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the Northeast Ohio Neighborhood Health Services, Inc., or its designee, to provide assistance to partially finance leasehold improvements at the East Side Market and parking lot.

Whereas, under Ordinance No. 843-15, passed September 14, 2015, Council authorized the Director of Public Works to lease the East Side Market located at the corner of East 105th Street and St. Clair Avenue to Northeast Ohio Neighborhood Health Services, Inc. ("NEON"); and

Whereas, the lease authorizes NEON to make improvements to the leased premises subject to the approval of appropriate City agencies and officials; and

Whereas, under the authority of Ordinance No. 827-12, passed June 4, 2012, Council authorized the Director of Community Development to apply for and accept grant funds from the former Ohio Department of Development for improvements to the leased premises which required a cash match; and

Whereas, the Director of Community Development wishes to provide the match funds to NEON in order to carry out improvements to the leased premises; and

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with the Northeast Ohio Neighborhood Health Services, Inc., or its designee, to provide assistance to partially finance leasehold improvements at the East Side Market and parking lot.

Section 2. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 3. That the costs of the grant shall not exceed an amount of \$187,000 and shall be paid from Fund No. 10 SF 051, Request No. RQS 7005, RL 2014-60.

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

Passed October 30, 2017.

Effective November 1, 2017.

Ord. No. 1212-17.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with CAC Project 2014 Limited Liability

Company, or its designee, and a Cooperative Agreement with the Cleveland-Cuyahoga County Port Authority and such company, to provide gap financing needed for the redevelopment of the Cleveland Athletic Club located at 1118-1148 Euclid Avenue; to provide for payments to the Cleveland Metropolitan School District; to declare certain improvements to real property to be a public purpose; and declaring an emergency.

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, under the authority of Ordinance No. 935-17, and pursuant to the requirements of Section 5709.41 of the Revised Code, the City obtained and held title to the real property described in Section 1 hereof (the "Real Property") prior to the passage of this ordinance; and

Whereas, the Real Property is to be developed or redeveloped in accordance with the Cleveland 2020 Citywide Plan, a copy of which is placed in File No. 1212-17-A; and

Whereas, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.41 of the Revised Code, the owners of real property may be required to make annual service payments in lieu of taxes that would have been paid had the improvements to such real property not been exempt; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments in lieu of taxes so collected are distributed to the Cleveland Metropolitan School District ("District") in an amount equal to the amount the District would have received had the improvements not been exempted from taxation; and

Whereas, in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code, the City notified the District of its intent to enact this ordinance and enter into the agreement authorized by Section 2 of this ordinance; 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 improvements (under Section 5709.41(A) of the Revised Code) to the Real Property and the redevelopment and improvement of the Real Property by CAC Project 2014 Limited Liability Company, or its designee, ("Redeveloper"), are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code. The Real Property is more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being known as part of Original Two Acre Lot Nos. 156 and 157, bounded and described as follows:

Beginning on the Southerly line of Euclid Avenue, 99 feet wide, at a point distant 114.21 feet Easterly, measured along the Southerly line of Euclid Avenue, from its intersection with the Southwesterly line of said Original Lot No. 156, said place of beginning being also the intersection of the Southerly line of Euclid Avenue with the Westerly face of the westerly wall of the Cleveland Athletic Building, situated on the premises herein described:

Thence Easterly along the Southerly line of Euclid Avenue, 150.07 feet to the Westerly line of East 12th Place, 16-1/2 feet wide;

Thence Southerly along the westerly line of East 12th Place, 99.55 feet to the Northwesterly line of Barn Court S.E. • 16-1/2 feet wide;

Thence Southwesterly along the Northwesterly line of Barn Court S.E., 153.07 feet to its intersection with the Westerly face of the Westerly wall of the Cleveland Athletic Club Building, as aforesaid, said intersection being also distant 55.48 feet Northeasterly, measured along the Northwesterly line of Barn Court S.E. from its intersection with the Southwesterly line of said Original Lot No. 156;

Thence Northeasterly along the Westerly face of the Westerly wall of the Cleveland Athletic Club Building, 130.10 feet to the place of beginning, according to a survey dated November, 1977 made by Edward C. O'Rourke & Associates Land Surveyors.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of thirty years; and that in no event shall the exemption period extend beyond 2050. The terms of the tax increment financing agreement with the Redeveloper are as follows:

DEPARTMENT OF ECONOMIC DEVELOPMENT SUMMARY FOR THE LEGISLATIVE FILE

Project Name: Cleveland Athletic Club
Project Address: 1118-1148 Euclid Avenue, Cleveland, OH 44115
Redeveloper: CAC Project 2014 Limited Liability Company and/or designee
Project Manager: Esther Kim
Ward/Councilperson: 3 - McCormack
City Assistance: Non-School TIF

Project Summary

CAC Project 2014 Limited Liability Company, or designee, ("Redeveloper") is proposing to redevelop the Cleveland Athletic Club located at 1118-1148 Euclid Avenue, Cleveland, OH 44115 ("Project Site") to include 165 units of residential space, 49 indoor parking spaces, 6,800 SF office space and 3,990 SF first floor retail space. CAC Project 2014 Limited Liability Company is an Ohio limited liability company, which is wholly-owned by Cleveland Euclid Hotel Associates, LLC, a Delaware limited liability company (the "Parent"). The managers of the Parent are principals of Great Lakes Financial Group, Precision Environmental and Weingart Development.

The century-old, 16-story Cleveland Athletic Club has been vacant

since 2007. After a number of development blocks and hurdles, the Redeveloper took ownership of the building in Spring 2015 with the intent of moving the project forward. Great Lakes Financial Group proposes to relocate their offices to the new office space in the Cleveland Athletic Club, with their current first floor location on Huron Road backfilled with additional retail amenities. The Redeveloper is targeting service-based retail, such as a pharmacy, for the first floor retail at the project.

The total development cost for the project is approximately \$62.8 million. The Redeveloper has incurred significant costs to date, removing asbestos from the property and conducting some interior demolition. The Redeveloper has requested a TIF to address the remaining funding gap, a result of the building's extended vacancy, deferred maintenance needs and the high cost of construction. Many aesthetic features of the athletic club's original space will stay, as the project was awarded Historic Tax Credits as part of the capital stack.

The property is a critical piece to completing the redevelopment of Euclid Avenue, stitching together Downtown and Playhouse Square. The redevelopment of this building will eliminate one of the last major development gaps along Euclid Avenue in this area. In addition, the project will support the residential demand downtown where rental occupancy is near record highs.

Proposed City Assistance

- This ordinance will authorize the Director of Economic Development to enter into a 30-year non-school Tax Increment Finance (TIF) agreement with CAC Project 2014 Limited Liability Company and/or its designee. The City will have declared certain improvements with respect to the project to be a public purpose and exempt 100% of the improvements from real property taxes. The project is subject to a 15-year residential tax abatement, which is intended to have priority over the TIF exemption. The TIF will, in effect, be on the commercial real estate for the first 15 years and will capture the full value in the remaining 15 years.
- The Redeveloper agrees to make certain improvements to those parcels and make payments in lieu of taxes (PILOTs) equal to the taxes that would have been paid for those parcels but for the TIF. A portion of the PILOTs will be paid to the Cleveland Metropolitan School District in the amount the District would have otherwise received but for the TIF by the County (District payments). The Redeveloper will be responsible for any shortfall of PILOT payments for project costs through a "Minimum Service Payment" requirement.
- This ordinance will authorize the Director of Economic Development to enter into a Cooperative Agreement with the Cleveland-Cuyahoga County Port Authority and to assign the PILOTs, exclusive of the District payments, and the Minimum Service Payments to the Port Authority to provide the necessary gap financing for the project.

Economic Impact

- 219 new residents
- Creation of 6 jobs and retention of 20 jobs in the City of Cleveland
- 190 estimated construction jobs
- Project estimates \$544,678 in new annual property taxes for the School District
- Project estimates \$340,322 in new annual City tax revenue generated from residents and new employees
- Over the 30-year term of the TIF, the project estimates \$8.2 Million in property taxes generated for the School District and \$10.2 Million in income and residence taxes for the City.

City Requirements

- Subject to Chapter 187: MBE/FBE/CSB requirements
- Subject to Chapter 188: Fannie Lewis Cleveland Residential Employment Law
- Subject to a Workforce Development Agreement for all new jobs
- Subject to a Community Benefits Agreement

Section 3. That, under Section 5709.41 of the Revised Code, Redeveloper, or the owners of the Real Property, shall make service payments in lieu of the exempt taxes to the Cuyahoga County Treasurer for a period of thirty years; the payments shall be charged and collected in the same manner, and in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected under this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvements not been exempt from taxation.

Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper and a cooperative agreement or agreements with the Cleveland-Cuyahoga County Port Authority (the "Port Authority") and/or the Redeveloper in a manner not materially adverse to the City to provide for the terms of the exemption and of the service payment requirements described in this ordinance, minimum service payment obligations necessary to support the gap financing to be provided by the Port Authority ("Port Gap Financing") for the redevelopment of the Real Property pursuant to this ordinance, assignment of a portion of the service payments (exclusive of amounts to be paid to the District) and all of the minimum service payments to the Port Authority to provide revenues in support of the Port Gap Financing, and agreements or instruments securing the payments described in this ordinance, all of which agreements and/or instruments shall contain those terms contained in or required by this ordinance.

Section 6. That under Section 5709.43 of the Revised Code, there is hereby established the CAC Project Urban Redevelopment Tax Increment Equivalent Fund into which

shall be deposited service payments in lieu of taxes which shall be used for the purposes described in this ordinance, or File, or for other economic development purposes as determined by the Director of Economic Development.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

Section 8. That this ordinance is declared to be an emergency measure necessary to provide for the usual daily operation of the Economic Development Department and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law. Passed October 30, 2017. Effective November 1, 2017.

Ord. No. 1303-17.

By Council Member McCormack.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Downtown Cleveland Residents Association or with its fiscal agent Historic Gateway Neighborhood Corporation for the Downtown Resident Connection Program through the use of Ward 3 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement with the Downtown Cleveland Residents Association or with its fiscal agent Historic Gateway Neighborhood Corporation for the Downtown Resident Connection Program for the public purpose of promoting Cleveland's downtown district for commercial and residential reinvestment through the use of Ward 3 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$17,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed October 30, 2017.
Effective November 1, 2017.

Ord. No. 1314-17.

By Council Member J. Johnson.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the St. Clair Superior 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 Director of the Department of Community Development is hereby authorized to enter into an agreement effective January 1, 2016 with the St. Clair Superior 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 cost of said contract shall be in an amount not to exceed \$58,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed October 30, 2017.
Effective November 1, 2017.

Ord. No. 1315-17.

By Council Member Brady.
An emergency ordinance authorizing the Director of the Department of Public Safety to enter into an agreement with the Westtown Development Corporation for the Neighborhood Safety and Security Program for the West Blvd Neighborhood Area through the use of Ward 11 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Public Safety be authorized to enter into agreement with the Westtown Development Corporation for the Neighborhood Safety and Security Program for the public purpose of joint collaboration with the First District Police Station, CMHA and Westtown Development Corporation on safety activities and the coordination of the use of security cameras along the commercial area in the West Blvd neighborhood area that is in the city of Cleveland through the use of Ward 11 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed October 30, 2017.
Effective November 1, 2017.

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Lorain Court S.W. and West 48th Place of part of the Taylor and Hoyt Allotment as shown in Volume 1, Page 20 of Cuyahoga County Map Records further described as follows:

A portion of Lorain Court S.W.

Being all that portion of Lorain Court S.W. (width varies) extending from the west line of West 47th Street (60.00 feet wide) to the east line of West 48th Street (60.00 feet wide).

A portion of West 48th Place

Being all that portion of West 48th Place (width varies) extending from the south line of Lorain Court S.W. (width varies) southerly to its intersection with a line being 10.00 feet north of and parallel with the westerly prolongation of the south line of Sublot 165 in said Taylor and Hoyt Allotment.

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

Section 2. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 3. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

Passed October 30, 2017.
Effective November 1, 2017.

Ord. No. 1327-17.

By Council Members Dow and K. Johnson.

An emergency ordinance authorizing the Director of the Department of Economic Development to enter into agreement with Famicos Foundation for the Medical Arts Associates Building Project through the use of Wards 4 and 7 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Economic Development be authorized to enter into agreement effective September 1, 2017 with the Famicos Foundation for the Medical Arts Associates Building Project for the public purpose of providing new job creation through the use of Wards 4 and 7 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$235,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed October 30, 2017.
Effective November 1, 2017.

COUNCIL COMMITTEE MEETINGS

NO MEETINGS

Index

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

Agreements

- Authorizing the Director of the Department of Community Development to enter into an agreement with the Downtown Cleveland Residents Association or with its fiscal agent Historic Gateway Neighborhood Corporation for the Downtown Resident Connection Program through the use of Ward 3 Casino Revenue Funds. (O 1303-17) **1951**
- Authorizing the Director of the Department of Economic Development to enter into agreement with Famicos Foundation for the Medical Arts Associates Building Project through the use of Wards 4 and 7 Casino Revenue Funds. (O 1327-17) **1952**
- Authorizing the Director of the Department of Public Safety to enter into an agreement with the Westown Development Corporation for the Neighborhood Safety and Security Program for the West Blvd Neighborhood Area through the use of Ward 11 Casino Revenue Funds. (O 1315-17) **1951**

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Barber Avenue, 3217 (Ward 3) — Oscar Rodriquez, owner — appeal adopted on 11/1/17 (Doc. A-156-17) 1944
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 Retail merchandise and food and beverage concessions — amend Contract #67743 per BOC Res. 72-08 — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 558-17) 1940

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Valet parking service at Willard Parking Garage — Performed Line Products Awards Banquet Ceremony Event at Public Hall on November 11, 2017 — per C.O. Sec. 183.04 to Towne Park, LLC — Depts. of Law, Public Works (BOC Res. 561-17) 1940

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Retail merchandise and food and beverage concessions — amend Contract #67743 per BOC Res. 72-08 — Divisions of Cleveland Hopkins International Airport, Burke Lakefront Airport (BOC Res. 558-17) 1940

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Thrush Avenue Sewer Replacement Project — approve subcontractors — per Contract #PI2017*42 — Division of Water Pollution Control (BOC Res. 556-17) 1939

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| Saint Clair Avenue, 1530 (Ward 3) — Care Alliance, owner — appeal to be heard on 11/20/17 (Cal. 17-310) | 1941 |
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| Authorizing the Director of the Department of Community Development to enter into an agreement with the Downtown Cleveland Residents Association or with its fiscal agent Historic Gateway Neighborhood Corporation for the Downtown Resident Connection Program through the use of Ward 3 Casino Revenue Funds. (O 1303-17) | 1951 |
| Authorizing the Director of the Department of Economic Development to enter into agreement with Famicos Foundation for the Medical Arts Associates Building Project through the use of Wards 4 and 7 Casino Revenue Funds. (O 1327-17) | 1952 |
| Authorizing the Director of the Department of Public Safety to enter into an agreement with the Westown Development Corporation for the Neighborhood Safety and Security Program for the West Blvd Neighborhood Area through the use of Ward 11 Casino Revenue Funds. (O 1315-17) | 1951 |

City Planning Commission

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| Changing the Use, Height and Area Districts of parcels west of Pearl Road between Wildlife Way and Ardmore Avenue and adding an Urban Form Overlay and as identified on the attached map (Map Change No. 2570). (O 1256-17) | 1945 |
| Designating the Brown Hoisting Machinery Office Building as a Cleveland Landmark. (O 1052-17) | 1945 |
| Designating the Brown Hoisting Machinery Warehouse as a Cleveland Landmark. (O 1053-17) | 1945 |
| Designating the International Savings and Loan Building (aka St. Clair Bank) as a Cleveland Landmark. (O 1054-17) | 1945 |
| To vacate a portion of Lorain Court and West 48th Place. (O 1322-17) | 1952 |

Codified Ordinances

To supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 347.19 and to amend Section 343.11 of the Codified Ordinances of Cleveland Ohio, 1976, as amended by Ordinance No. 1396-14, passed December 10, 2014 and Section 345.02, as amended by Ordinance No. 2215-96, passed April 7, 1997, relating to state licensed medical marijuana cultivators, processors, retail dispensaries, and testing laboratories. (O 1009-17) **1947**

Community Development

Authorizing the Director of Community Development to enter into a grant agreement with the Northeast Ohio Neighborhood Health Services, Inc., or its designee, to provide assistance to partially finance leasehold improvements at the East Side Market and parking lot. (O 1188-17) **1949**

Authorizing the Director of the Department of Community Development to enter into an agreement with the Downtown Cleveland Residents Association or with its fiscal agent Historic Gateway Neighborhood Corporation for the Downtown Resident Connection Program through the use of Ward 3 Casino Revenue Funds. (O 1303-17) **1951**

Congress of United States

Urging Congress to preserve the federal Historic Tax Credit in its efforts at tax reform and its proposed budget plan and encouraging Ohio members of Congress to cosponsor the Historic Tax Credit Improvement Act. (R 1293-17) **1945**

Cooperative Agreement

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with CAC Project 2014 Limited Liability Company, or its designee, and a Cooperative Agreement with the Cleveland Cuyahoga County Port Authority and such company, to provide gap financing needed for the redevelopment of the Cleveland Athletic Club located at 1118-1148 Euclid Avenue; to provide for payments to the Cleveland Metropolitan School District; to declare certain improvements to real property to be a public purpose; and declaring an emergency. (O 1212-17) **1949**

Cuyahoga County Port Authority

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with CAC Project 2014 Limited Liability Company, or its designee, and a Cooperative Agreement with the Cleveland Cuyahoga County Port Authority and such company, to provide gap financing needed for the redevelopment of the Cleveland Athletic Club located at 1118-1148 Euclid Avenue; to provide for payments to the Cleveland Metropolitan School District; to declare certain improvements to real property to be a public purpose; and declaring an emergency. (O 1212-17) **1949**

East Side Market

Authorizing the Director of Community Development to enter into a grant agreement with the Northeast Ohio Neighborhood Health Services, Inc., or its designee, to provide assistance to partially finance leasehold improvements at the East Side Market and parking lot. (O 1188-17) **1949**

Economic Development Department

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with CAC Project 2014 Limited Liability Company, or its designee, and a Cooperative Agreement with the Cleveland Cuyahoga County Port Authority and such company, to provide gap financing needed for the redevelopment of the Cleveland Athletic Club located at 1118-1148 Euclid Avenue; to provide for payments to the Cleveland Metropolitan School District; to declare certain improvements to real property to be a public purpose; and declaring an emergency. (O 1212-17) **1949**

Authorizing the Director of the Department of Economic Development to enter into agreement with Famicos Foundation for the Medical Arts Associates Building Project through the use of Wards 4 and 7 Casino Revenue Funds. (O 1327-17) **1952**

Famicos Foundation

Authorizing the Director of the Department of Economic Development to enter into agreement with Famicos Foundation for the Medical Arts Associates Building Project through the use of Wards 4 and 7 Casino Revenue Funds. (O 1327-17) **1952**

Grant Agreement

- Authorizing the Director of Community Development to enter into a grant agreement with the Northeast Ohio Neighborhood Health Services, Inc., or its designee, to provide assistance to partially finance leasehold improvements at the East Side Market and parking lot.
(O 1188-17) 1949

Landmark Commission

- Designating the Brown Hoisting Machinery Office Building as a Cleveland Landmark.
(O 1052-17) 1945
Designating the Brown Hoisting Machinery Warehouse as a Cleveland Landmark. (O 1053-17)..... 1945
Designating the International Savings and Loan Building (aka St. Clair Bank) as a Cleveland Landmark. (O 1054-17) 1945

Liquor Permits

- Objecting to the transfer of stock of a C2 and C2X Liquor Permit to 2886 Woodhill Road, 1st floor and basement. (R 1324-17) 1946
Withdrawing objection to a New C1 Liquor Permit at 2288 East 55th Street and repealing Resolution No. 418-17, objecting to said permit. (R 1319-17) 1946
Withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 3363 East 93rd Street and repealing Resolution No. 973-16 objecting to said renewal. (R 1320-17)..... 1946
Withdrawing objection to the transfer of location of a C1 and C2 Liquor Permit at 2165-2167 East 55th Street and repealing Resolution No. 466-17 objecting to said transfer. (R 1318-17) 1946
Withdrawing objection to the transfer of location of a D5 Liquor Permit at 12501 Lorain Avenue, and repealing Resolution No. 1055-17, objecting to said transfer. (R 1321-17) 1946
Withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 12520 Lorain Avenue and repealing Resolution No. 255-17 objecting to said permit. (R 1316-17) 1945

Medical Marijuana

- To supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 347.19 and to amend Section 343.11 of the Codified Ordinances of Cleveland Ohio, 1976, as amended by Ordinance No. 1396-14, passed December 10, 2014 and Section 345.02, as amended by Ordinance No. 2215-96, passed April 7, 1997, relating to state licensed medical marijuana cultivators, processors, retail dispensaries, and testing laboratories. (O 1009-17)..... 1947

Public Hearings (Notices)

- Changing the Use, Height and Area Districts of parcels west of Pearl Road between Wildlife Way and Ardmore Avenue and adding an Urban Form Overlay and as identified on the attached map (Map Change No. 2570). (O 1256-17) 1945
Designating the Brown Hoisting Machinery Office Building as a Cleveland Landmark.
(O 1052-17) 1945
Designating the Brown Hoisting Machinery Warehouse as a Cleveland Landmark. (O 1053-17)..... 1945
Designating the International Savings and Loan Building (aka St. Clair Bank) as a Cleveland Landmark. (O 1054-17) 1945

Resolution of Support

- Urging Congress to preserve the federal Historic Tax Credit in its efforts at tax reform and its proposed budget plan and encouraging Ohio members of Congress to cosponsor the Historic Tax Credit Improvement Act. (R 1293-17) 1945

Safety Department

- Authorizing the Director of the Department of Public Safety to enter into an agreement with the Westown Development Corporation for the Neighborhood Safety and Security Program for the West Blvd Neighborhood Area through the use of Ward 11 Casino Revenue Funds. (O 1315-17) 1951

Street Vacation

- To vacate a portion of Lorain Court and West 48th Place. (O 1322-17) 1952

Tax Credits

- Urging Congress to preserve the federal Historic Tax Credit in its efforts at tax reform and its proposed budget plan and encouraging Ohio members of Congress to cosponsor the Historic Tax Credit Improvement Act. (R 1293-17) 1945

Tax Increment Financing (TIF)

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with CAC Project 2014 Limited Liability Company, or its designee, and a Cooperative Agreement with the Cleveland Cuyahoga County Port Authority and such company, to provide gap financing needed for the redevelopment of the Cleveland Athletic Club located at 1118-1148 Euclid Avenue; to provide for payments to the Cleveland Metropolitan School District; to declare certain improvements to real property to be a public purpose; and declaring an emergency. (O 1212-17) **1949**

Ward 03

Authorizing the Director of the Department of Community Development to enter into an agreement with the Downtown Cleveland Residents Association or with its fiscal agent Historic Gateway Neighborhood Corporation for the Downtown Resident Connection Program through the use of Ward 3 Casino Revenue Funds. (O 1303-17) **1951**
 To vacate a portion of Lorain Court and West 48th Place. (O 1322-17) **1952**

Ward 04

Authorizing the Director of the Department of Economic Development to enter into agreement with Famicos Foundation for the Medical Arts Associates Building Project through the use of Wards 4 and 7 Casino Revenue Funds. (O 1327-17) **1952**
 Objecting to the transfer of stock of a C2 and C2X Liquor Permit to 2886 Woodhill Road, 1st floor and basement. (R 1324-17) **1946**

Ward 05

Withdrawing objection to a New C1 Liquor Permit at 2288 East 55th Street and repealing Resolution No. 418-17, objecting to said permit. (R 1319-17) **1946**
 Withdrawing objection to the transfer of location of a C1 and C2 Liquor Permit at 2165-2167 East 55th Street and repealing Resolution No. 466-17 objecting to said transfer. (R 1318-17) **1946**

Ward 06

Withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 3363 East 93rd Street and repealing Resolution No. 973-16 objecting to said renewal. (R 1320-17) **1946**

Ward 07

Authorizing the Director of the Department of Economic Development to enter into agreement with Famicos Foundation for the Medical Arts Associates Building Project through the use of Wards 4 and 7 Casino Revenue Funds. (O 1327-17) **1952**

Ward 10

Authorizing the Director of the Department of Community Development to enter into an agreement with the St. Clair Superior Development Corporation for the Five Pointes Senior Food Program through the use of Ward 10 Casino Revenue Funds. (O 1314-17) **1951**
 Designating the Brown Hoisting Machinery Office Building as a Cleveland Landmark. (O 1052-17) **1945**
 Designating the Brown Hoisting Machinery Warehouse as a Cleveland Landmark. (O 1053-17) **1945**
 Designating the International Savings and Loan Building (aka St. Clair Bank) as a Cleveland Landmark. (O 1054-17) **1945**

Ward 11

Authorizing the Director of the Department of Public Safety to enter into an agreement with the Westown Development Corporation for the Neighborhood Safety and Security Program for the West Blvd Neighborhood Area through the use of Ward 11 Casino Revenue Funds. (O 1315-17) **1951**
 Withdrawing objection to the transfer of location of a D5 Liquor Permit at 12501 Lorain Avenue, and repealing Resolution No. 1055-17, objecting to said transfer. (R 1321-17) **1946**

Ward 12

Withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 1303 Clark Avenue and repealing Resolution No. 298-17 objecting to said permit. (R 1317-17) **1946**

Ward 13

Changing the Use, Height and Area Districts of parcels west of Pearl Road between Wildlife Way and Ardmore Avenue and adding an Urban Form Overlay and as identified on the attached map (Map Change No. 2570). (O 1256-17) **1945**

Ward 16

Withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 12520 Lorain Avenue and repealing Resolution No. 255-17 objecting to said permit. (R 1316-17) **1945**

Zoning

Changing the Use, Height and Area Districts of parcels west of Pearl Road between Wildlife Way and Ardmore Avenue and adding an Urban Form Overlay and as identified on the attached map (Map Change No. 2570). (O 1256-17) **1945**

Zoning Code

To supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 347.19 and to amend Section 343.11 of the Codified Ordinances of Cleveland Ohio, 1976, as amended by Ordinance No. 1396-14, passed December 10, 2014 and Section 345.02, as amended by Ordinance No. 2215-96, passed April 7, 1997, passed April 7, 1997, relating to state licensed medical marijuana cultivators, processors, retail dispensaries, and testing laboratories. (O 1009-17)..... **1947**

