

The City Record

Official Publication of the Council of the City of Cleveland



February the Fourteenth, Two Thousand and Eighteen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

The City Record is available online at
www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Kevin L. Bishop	11729 Miles Avenue, #5	44105
3	Kerry McCormack	1429 West 38th Street	44113
4	Kenneth L. Johnson, Sr.	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44115
6	Blaine A. Griffin	1810 Larchmere Boulevard	44120
7	Basheer S. Jones	1383 East 94th Street	44106
8	Michael D. Polensek	17855 Brian Avenue	44119
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Anthony T. Hairston	423 Arbor Road	44108
11	Dona Brady	1272 West Boulevard	44102
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Jasmin Santana	3535 Marvin Avenue	44109
15	Matt Zone	1228 West 69th Street	44102
16	Brian Kazy	4300 West 143rd Street	44135
17	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

Sharon Dumas, Interim Chief of Staff

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

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

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

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

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

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

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

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

Dan Williams, Media Relations Director

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

DIVISIONS:

Architecture and Site Development – _____ Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – James DeRosa, Commissioner

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

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

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

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

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

Room 100

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

Natasha Brandt, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – James Hartley, Treasurer, Room 115

Financial Reporting and Control – James Gentile, Controller, Room 18

Information Technology and Services – Kimberley Roy-Wilson,

Commissioner, 205 W. St. Clair Avenue

Purchases and Supplies – Tiffany White, Commissioner, Room 128

Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue

Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer

Water – Alex Margevicius, Commissioner

Water Pollution Control – Rachid 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 Gissentaner, Interim Commissioner

Streets – Frank D. Williams, Interim Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Randall T. Scott, Interim Commissioner

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

DIVISIONS:

Air Quality – David Heame, Interim Commissioner

Environment – Brian Kimball, Commissioner, 75 Erieview Plaza

Health – Persis Sosiak, Commissioner, 75 Erieview Plaza

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

DIVISIONS:

Animal Control Services – John Baird, Interim Chief Animal Control Officer, 2690 West 7th Street

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

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

Fire – Patrick Kelly, Chief, 1645 Superior Avenue

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

DEPT. OF COMMUNITY DEVELOPMENT – Louise Jackson, Interim Director

DIVISIONS:

Administrative Services – Joy Anderson, Commissioner

Fair Housing and Consumer Affairs Office – John Mahoney, Manager

Neighborhood Development – James Greene, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner

Construction Permitting – Narid Hussain, Commissioner

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

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

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

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

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

Chairman, Council Member Kevin L. Bishop, Roosevelt E. Coats, Jenice Contreras,

Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Gary Johnson, Sr.,

Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Council

Member Jasmin Santana, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Rev. Gregory E. Jordan, President; Michael

Flickinger, Vice-President; Barry A. Withers, Interim Secretary; Members: Daniel J.

Brennan, India Pierce Lee.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Kevin

J. Kelley; Betsy Hruby, Asst. Sec'y.; Sharon Dumas, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members;

Henry Bailey, Myrlene Barnes, Kelley Britt, Tim Donovan, Elizabeth Kukla, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516,

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

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

Sullivan.

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

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

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

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

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

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

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

_____, Chair; David H. Bowen, Lillian Kuri, Gloria Jean Pinkney, Council

Member Kerry McCormack, _____.

FAIR HOUSING BOARD – _____, Chair; Genesis O. Brown, Daniel Conway,

Robert L. Render.

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

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

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

Kevin Kelley.

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

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

Strickland, Donald Petit, Secretary, Council Member Basheer S. Jones, Matthew L.

Spronz; _____.

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

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

Langhenry.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

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

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Timothy

Lubbe – Housing Court Administrator, Robert J. Furda – Chief Bailiff; Dean Jenkins – Chief

Probation Officer, Gregory F. Clifford – Chief Magistrate.

The City Record

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Vol. 105

WEDNESDAY, FEBRUARY 14, 2018

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CITY COUNCIL

MONDAY, FEBRUARY 12, 2018

The City Record
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City of Cleveland
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Address all communications to
PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

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

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

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

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

Cleveland. Notice of acceptance of a
grant of \$6,592.98 from the Ohio
Department of Public Safety
through University Hospitals for
2018 OVI Task Force. Received.

File No. 194-18.

From Robert S. Curry, Executive
Director, CHN Housing Partners.
Notice of intent to apply to Ohio
Housing Finance Agency for multi-
family funding programs for the
development known as Legacy at
Saint Luke's, at multiple sites on
East 110th Street and East 112th
Street, north of Martin Luther King,
Jr., Boulevard; in Cleveland, Ohio.
Received.

File No. 195-18.

From Robert S. Curry, Executive
Director, CHN Housing Partners.
Notice of intent to apply to Ohio
Housing Finance Agency for multi-
family funding programs for the
development known as La Villa His-
pana MetroHealth District Afford-
able Housing Initiative, on scattered
sites including but not limited to
3252 West 32nd Street, 3370 West
32nd Street, 3365 West 33rd Street,
3210 West 48th Street, 1707 Clark
Avenue, 4209 Cloud Avenue, 4208
Howlett Avenue, 4214 Hyde Avenue,
3508 Sackett Avenue, 3315 Storer
Avenue, 3322 Storer Avenue, 4219
Storer Avenue, 4223 Storer Avenue,
3011 Wade Avenue; all in Cleveland,
Ohio. Received.

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

MONDAY — Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

**OFFICIAL PROCEEDINGS
CITY COUNCIL**

Cleveland, Ohio

Monday, February 12, 2018

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

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

Also present were: Mayor Frank
G. Jackson, Chief Operating Officer
Darnell Brown, Chief of Government
Affairs Valerie J. McCall, Chief of
Regional Development Edward W.
Rybka, Chief of Education Monyka
S. Price, Chief of Sustainability Matt
Gray, Chief of Public Affairs Natoya
Walker-Minor, Chief of Prevention,
Intervention and Opportunity for
Youth and Young Adults Duane
Deskins, and Directors Davis,
Kennedy, Spronz, Gordon, McGrath,
Cox, Jackson, Donald, West, Eber-
sole, Stevenson, Collier, McNamara,
Burrows and Pierce Scott.

MOTION

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

MOTION

On the motion of Council Member
Santana, the reading of the minutes
of the last meeting was dispensed
with and the journal approved. Sec-
onded by Council Member Johnson.

COMMUNICATIONS

File No. 179-18.

From Director Michael McGrath,
Department of Public Safety, City of

**FROM OHIO DIVISION OF
LIQUOR CONTROL**

File No. 180-18.

RE: #8569770. New License Appli-
cation, C1. Steward Family Enter-
prises LLC, 8410 Cedar Avenue
(Ward 6). Received.

File No. 181-18.

RE: #0161035. Transfer of Owner-
ship Application, C1. Amira Bever-
age LLC, 831 East 140th Street
(Ward 10). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 191-18 — Willie Davis
Eiland.

Res. No. 196-18 — Joseph Vaccaro.

WELCOME RESOLUTION

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

Res. No. 192-18 — Justice Peter
Charleton.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 183-18.

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

An emergency ordinance authorizing the City to purchase electricity and/or gas from an electric generation services provider and/or gas services provider for City buildings and to participate with the Cleveland Municipal School District and the Northeast Ohio Regional Sewer District, jointly or severally, in a Request for Proposals to procure such services; authorizing relative agreements; and the employment of one or more professional energy consultants for consulting services, including but not limited to energy procurement and management, for a period up to three years, with two one-year options to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, with an electric generation services provider and/or gas services provider, for the purchase of electricity and/or gas for City buildings at prices obtained through the procurement with the Cleveland Municipal School District and/or the Northeast Ohio Regional Sewer District, either jointly or severally, for a period up to three years, with two one-year options to renew, exercisable by the Director of Finance.

The selection of the electric generation services provider and/or the gas services provider shall be made by the Board of Control on the nomination of the Director of Finance. The compensation to be paid for the services shall be fixed by the Board of Control.

Section 2. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional energy consulting services, including but not limited to, energy procurement and management, for a period up to three years, with two one-year options to renew, exercisable by the Director of Finance.

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

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

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

Section 4. That the Director of Finance is authorized to enter into one or more relative agreements needed to implement this ordinance, including but not limited to, agreements with the Cleveland Metropolitan School District and/or the Northeast Ohio Regional Sewer District.

Section 5. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-1505-6230. Request No. RQS 1505, RLA 2018-3.

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

Referred to Directors of Finance, Law; Committees in Utilities, Finance.

Ord. No. 184-18.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Homeland Security for the FY17 Port Security Grant Program; authorizing the purchase by one or more requirement contracts of labor and materials needed to provide security enhancements and upgrades to various lift bridges, including labor and installation, if necessary.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$518,928, and any other funds that may become available during the grant term from the U.S. Department of Homeland Security to conduct the FY17 Port Security Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That the grant is approved in all respects, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$172,976 from Fund No. 20 SF 568. (RQS 6001, RLA 2018-4)

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland,

Ohio, 1976, for the requirements during the grant term of the necessary items of labor and materials needed to provide security enhancements and upgrades to various lift bridges, including labor and installation, if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 185-18.

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

An emergency ordinance authorizing the Director of Public Safety to accept the donation of pre-packaged frozen desserts, use of a freezer, and related items, from the Cleveland Police Foundation for the "Let's Chill Together" program for local youths and young adults, Division of Police, Department of Public Safety; and to accept additional donations of pre-packaged frozen desserts, related items, and/or ancillary equipment from other entities for City events.

Whereas, Pierre's Ice Cream Company wishes to donate pre-packaged frozen desserts, use of a freezer, and related items for the "Let's Chill Together" Program of events to the Cleveland Police Foundation; and

Whereas, the Cleveland Police Foundation wishes to donate the pre-packaged frozen desserts, use of a freezer, and related items, so that

Cleveland police officers and other City employees can serve pre-packaged frozen desserts to local youths and young adults throughout the community at the City's "Let's Chill Together" program which will include several events; and

Whereas, additional donations of pre-packaged frozen desserts, related items, and/or ancillary equipment may be accepted by the Director of Public Safety from other entities for City events; and

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

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

Section 1. That the Director of Public Safety is authorized to accept the donation of pre-packaged frozen desserts, use of a freezer, and related items from the Cleveland Police Foundation, to the City so that pre-packaged frozen desserts can be served by Cleveland police officers and other City employees to local youths and young adults at the City's "Let's Chill Together" program, for the Division of Police, Department of Public Safety.

Section 2. That the Director of Public Safety is authorized to accept the donation of pre-packaged frozen desserts, related items, and/or ancillary equipment from other entities on behalf of the City so that pre-packaged frozen desserts can be served by Cleveland police officers and other City employees to City residents, which include local youths and young adults, at the City's "Let's Chill Together" program and other City events.

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

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

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

Ord. No. 186-18.

By Council Member Johnson.

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 967-17 passed August 16, 2017 as it pertains to the Authorizing the Director of the Department of Community Development to enter into agreement with Shaker Square Development Corporation for the SHAD Connection Newsletter Project through the use of Wards 4 and 6 Casino Revenue Funds.

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

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 967-17 passed August 16, 2017 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Shaker Square Development Corporation for the SHAD Connection Newsletter Project through the use of **Wards 4 and 6 Casino Revenue Funds.**

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement effective June 1, 2017 with Shaker Square Development Corporation for the SHAD Connection Newsletter for the public purpose of providing a community newspaper promoting community, residential and economic opportunities to Cleveland residents residing in the Shaker Square, Larchmere and Buckeye neighborhoods through the use of **Wards 4 and 6 Casino Revenue Funds.**

Section 2. That the cost of said contract shall be in an amount not to exceed **\$25,000** and shall be paid from Fund No. 10 SF 188.

Section 2. That the Title and Sections 1 and 2 of Ordinance No. 967-17 passed August 16, 2017 are hereby repealed.

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 187-18.

By Council Member Conwell.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Ashbury Community Services, Inc for the Ashbury Senior Computer Community Center Program through the use of Ward 9 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 be authorized to enter into an agreement effective September 1, 2017 with Ashbury Community Services, Inc for the Ashbury Senior Computer Community Center Program for the public purpose of providing computer training classes for adults and senior citizens residing in the city of Cleveland through the use of Ward 9 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed **\$32,500** and shall be paid from Fund No. 10 SF 188.

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

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 188-18.

By Council Members Griffin, Kelley and Zone.

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 1371-17, passed November 13, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Restoration Society for the Heritage Home Program through the use of Wards 5, 6, 8, 10, 11, 13, and 15 Casino Revenue Funds.

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

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 1371-17, passed November 13, 2017 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Restoration Society for the Heritage Home Program through the use of Wards 5, 6, 8, 10, 11, 13, and 15 Casino Revenue Funds.

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement effective July 1, 2017 with the Cleveland Restoration Society for the Heritage Home Program for the public purpose of providing housing rehabilitation services to residents residing in the city of Cleveland through the use of Wards 5, 6, 8, 10, 11, 13 and 15 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed **\$99,183** and shall be paid from Fund No. 10 SF 188.

Section 2. That the Title and Sections 1 and 2 of Ordinance No. 1371-17, passed November 13, 2017 are hereby repealed.

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**Ord. No. 189-18.
By Council Members McCormack
and Zone.**

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Collective Arts Network for the CAN Triennial Catalog and Summer Preview Project through the use of Wards 3 and 15 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement with the Collective Arts Network for the CAN Triennial Catalog and Summer Preview Project for the public purpose of informing city of Cleveland residents about art programming and presentations that are taking place throughout the city through the use of Wards 3 and 15 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,001 and shall be paid from Fund No. 10 SF 188.

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

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

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

**Res. No. 182-18.
By Council Member Kelley.
An emergency resolution appointing two members to the Local Board of Tax Review.**

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, pursuant to section 192.40 of the Codified Ordinances, this Council hereby appoints the following individuals to the Local Board of Tax Review, each for a term of two years, that starts on February 13, 2018, and ends on February 12, 2020:

John Moss
James Hicks

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives

the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

**Res. No. 190-18.
By Council Member Hairston.
An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 831 East 140th Street.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from New Look Beverage, LLC, 831 East 140th Street, Cleveland, Ohio 44110, Permit Number 6363210 to Amira Beverage, LLC, DBA T N Food Market, 831 East 140th Street, Cleveland, Ohio 44110, Permit Number 0161035; and

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

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

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

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

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

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from New Look Beverage, LLC, 831 East 140th Street, Cleveland, Ohio 44110, Permit Number 6363210 to Amira Beverage, LLC, DBA T N Food Market, 831 East 140th Street, Cleveland, Ohio 44110, Permit Number 0161035; and requests the Superintendent of Liquor Control to set a

hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

**Res. No. 193-18.
By Council Member Keane.
An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 16612 Lorain Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Randc Holdings, LLC, 16612 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 7196863 to Throwbacks Lorain, LLC, 16612 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 8922479; and

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

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

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

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

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

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Randc Holdings, LLC, 16612 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 7196863 to Throwbacks Lorain, LLC, 16612 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 8922479; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 82-18.

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Section 7 of Ordinance No. 323-15, passed March 30, 2017, as amended by various ordinances, relating to compensation for various classifications.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 83-18.

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Section 8 of Ordinance No. 323-15, passed March 30, 2017, as amended by various ordinances, relating to compensation for various classifications.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 84-18.

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

An emergency ordinance authorizing the Director of Public Safety to employ one or more professional consultants to perform investigative services related to non-criminal civilian complaints filed with the

Office of Professional Standards in 2015, 2016, and 2017, Department of Public Safety, for a period not to exceed one year, with one option to renew for an additional year, exercisable by the Director of Public Safety.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance, when amended, as follows:

1. Strike the title in its entirety and insert: **"An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with Hillard Heintze for professional services necessary for the assessment of non-criminal civilian complaints filed with the Office of Professional Standards in 2015, 2016, and 2017."**

2. Strike Section 1 in its entirety and insert: **"Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with Hillard Heintze for professional services necessary for the assessment of non-criminal civilian complaints filed with the Office of Professional Standards in 2015, 2016, and 2017 on the basis of its proposal dated January 17, 2018 and updated on January 30, 2018."**

3. In Section 2, line 1, after "shall" insert **"not exceed \$70,000 and shall"**.

Amendments agreed to. The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

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

Ord. No. 123-18.

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

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

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 152-18.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Title X Program; authorizing the director to charge and accept fees; entering into one or more agreements to receive payments from Medicare, Medicaid and Medicaid HMO programs; employing professional consultants, and authorizing one or more requirement contracts.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 160-18.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Human Resources to employ one or more professional consultants to administer the City's COBRA program and HIPAA compliance for a one year period, with two one-year options to renew, the second of which requires additional legislation.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

MOTION

On the motion of Council Member Santana, the absences of Council Members Phyllis E. Cleveland and Basheer S. Jones are hereby authorized. Seconded by Council Member Johnson.

MOTION

The Council Meeting adjourned at 7:15 p.m. to meet on Monday, February 26, 2018, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

February 7, 2018

The meeting of the Board of Control convened in the Mayor's office on Wednesday, February 7, 2018 at 10:36 a.m. with Director Langhenry presiding.

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

Absent: Mayor Jackson, Director Dumas, Interim Director L. Jackson, and Director McNamara.

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

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

Melissa Burrows, Director, Office of Equal Opportunity.

Resolution No. 30-18.

By Director Kennedy.

Whereas, under the authority of Ordinance No. 653-15, passed by the Council of the City of Cleveland on June 8, 2015, and Board of Control

Resolution No. 290-15, adopted July 29, 2015, the City through its Director of Port Control, entered into Contract No. PS2015*196 with Michael Baker International ("Consultant"), to provide professional services necessary to provide professional design and construction administration services for the North Airfield Reconfiguration project at Cleveland Hopkins International Airport, for the various divisions of the Department of Port Control; and

Whereas, the City has determined the need for additional professional services necessary to provide design and construction administration services for the North Airfield Reconfiguration project at Cleveland Hopkins International Airport; and

Whereas, the Consultant has proposed by its letter dated March 15, 2017 to perform the additional work necessary for an amount of \$717,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a first modification to City Contract No. PS2015*196 between the City of Cleveland and Michael Baker International for additional professional services necessary to provide design and construction administration services for the North Airfield Reconfiguration project. The amount to be paid for all services shall be increased by \$717,000.00 from \$5,118,220.71 to a total amount not to exceed \$5,835,220.71.

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

Nays: None.

Absent: Mayor Jackson, Director Dumas, Interim Director L. Jackson, and Director McNamara.

Resolution No. 31-18.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 549-17 passed by the Council of the City of Cleveland on June 5, 2017, Brandstetter Carroll, Inc., is selected upon the nomination of the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional architectural/engineering services for the E.J. Kovacic Recreation Center Improvements Project.

Be it further resolved that the Director of Capital Projects is authorized to enter into a written contract with Brandstetter Carroll, Inc., based upon their proposal dated January 8, 2018 for a total cost not to exceed \$359,567.00, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as stated in the proposal and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subconsultants by Brandstetter Carroll, Inc. is approved:

<u>Subcontractor</u>	<u>CSB/MBE/FBE</u>
<u>Percentage</u>	<u>Amount</u>
ConstructAbility	CSB
7.5%	\$26,928.00

Barber & Hoffman	CSB
4.9%	\$17,500.00

HZW Environmental Consultants, LLC	FBE
9.9%	\$35,545.00

Stephen Hovancsek & Associates, Inc.	CSB
2.6%	\$ 9,424.00

Professional Service Industries, Inc.	N/A
0.0%	\$ 4,998.00

TEC, Inc.	N/A
0.0%	\$68,750.00

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

Nays: None.

Absent: Mayor Jackson, Director Dumas, Interim Director L. Jackson, and Director McNamara.

Resolution No. 32-18.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Industrial Energy Systems, Inc. for the public improvement of the Lonnie Burton Recreation Center Roof Replacement, Base Bid Items A through D and Optional Items 1 through 4, for the Department of Capital Projects, received on November 9, 2017 under the authority of Ordinance No. 549-17, passed June 5, 2017, upon a gross price basis for the improvement in the aggregate amount of \$482,500.00, 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 subcontractors by Industrial Energy Systems, Inc. is hereby approved:

<u>Subcontractor</u>	<u>CSB/MBE/FBE</u>
<u>Amount</u>	<u>Percentage</u>
Troutman Supply	MBE
\$72,375.00	15.0%
Pete & Pete Container	FBE
\$9,400.00	1.9%
The Chas E. Phipps.	CSB
\$38,600.00	8.0%
D.E. Williams Electric, Inc.	FBE
\$24,845.00	5.1%

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

Nays: None.

Absent: Mayor Jackson, Director Dumas, Interim Director L. Jackson, and Director McNamara.

Resolution No. 33-18.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that the bid of RW Clark Co., Inc. for the public improvement of the Glenville Recreation Center Bid Package 2, Architectural, Mechanical and Electrical Improvements, Base Bid Items A through E, and Optional Items 1, 2, and 4 through 6 for the Office of

Capital Projects, received on October 13, 2017 under the authority of Ordinance No. 732-14 passed June 9, 2014, upon a gross price basis for the improvement in the aggregate amount of \$706,118.00 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 subcontractors by RW Clark Co., Inc. is hereby approved:

<u>Subcontractor</u>	<u>CSB/MBE/FBE</u>
<u>Amount</u>	<u>Percentage</u>
Em Painting	MBE
\$53,292.00	7.5%
M Rivera Construction	MBE
\$16,000.00	2.3%
VIP Electric Co.	FBE
\$50,571.00	0.0%
RJ Heating	N/A
\$177,950.00	0.0%
Wadsworth Solutions	N/A
\$191,346.00	0.0%
Scaffco Scaffolding	N/A
\$19,934.00	0.0%

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

Nays: None.

Absent: Mayor Jackson, Director Dumas, Interim Director L. Jackson, and Director McNamara.

Resolution No. 34-18.

By Interim Director Jackson.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 005-14-048 located at 3158 West 103rd Street; and

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

Whereas, Raymond J. Kraushaar has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 11 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and

Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Raymond J. Kraushaar for the sale and development of Permanent Parcel No. 005-14-048 located at 3158 West 103rd Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson, Director Dumas, Interim Director L. Jackson, and Director McNamara.

Resolution No. 35-18.

By Interim Director Jackson.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 115-27-045 located at the corner of Alhambra Road and Kipling Avenue; and

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

Whereas, Robert L. Whitsett has proposed to the City to purchase and develop the parcel for landscaped greenspace; and

Whereas, the following conditions exist:

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Robert L. Whitsett for the sale and development of Permanent Parcel No. 115-27-045 located at the corner of Alhambra Road and Kipling Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson, Director Dumas, Interim Director L. Jackson, and Director McNamara.

KEITH D. SCHEURMAN
Acting Secretary

CIVIL SERVICE NOTICES

General Information

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

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

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. 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, FEBRUARY 26, 2018

9:30 A.M.

Appeal Landmarks Commission Denial

Calendar No. 17-319: Saucy Brew Works LLC. (Ward 3)

Saucy Brew Works, LLC. appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the City of Cleveland Landmarks Commission rendered on September 28, 2017 to deny a Certificate of Appropriateness for a mural. (Filed November 15, 2017)

Calendar No. 18-21: 1835 West 54th Street (Ward 15)

W. 54 Townhomes LLC., owner, proposes to construct a new town home in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that a 20 foot aggregate width interior side yard required and a 6 foot side yard is proposed.

2. Section 357.13 which states that air conditioning unit is not a permitted side yard encroachment; two AC units are proposed.

3. Section 357.08(b)(1) which states that a 40 foot rear yard is required and 18 feet are proposed.

4. Section 355.04 which states that the required lot width is 40 feet and the proposed lot width is 28 feet; this section also states that the required lot area is 4,800 square feet and 1,848 square feet are proposed.

5. Section 355.04 which states that the maximum gross floor area of building cannot exceed 1/2 lot area; in this case 924 square feet are permitted and 1,730 square feet are proposed.

6. Section 353.01 which states that maximum height permitted is 35 feet and a 40 foot height is proposed. (Filed January 16, 2018)

Calendar No. 18-22: 1839 West 54th Street (Ward 15)

W. 54 Townhomes LLC., owner, proposes to construct a new town home in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that a 20 foot aggregate width interior side yard required and a no interior side yard is proposed.

2. Section 357.08(b)(1) which states that a 40 foot rear yard is required and 18 feet are proposed.

3. Section 355.04 which states that the required lot width is 40 feet and the proposed lot width is 28 feet; this section also states that the required lot area is 4,800 square feet and 1,452 square feet are proposed.

4. Section 355.04 which states that the maximum gross floor area of building cannot exceed 1/2 lot area; in this case 726 square feet are permitted and 1,700 square feet are proposed.

5. Section 353.01 which states that maximum height permitted is 35 feet and a 40 foot height is proposed. (Filed January 16, 2018)

Calendar No. 18-23: 1843 West 54th Street (Ward 15)

W. 54 Townhomes LLC., owner, proposes to construct a new town home in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that a 20 foot aggregate width interior side yard required and a no interior side yard is proposed.

2. Section 357.13 which states that air conditioning unit is not a permitted side yard encroachment; one AC unit is proposed.

3. Section 357.08(b)(1) which states that a 40 foot rear yard is required and 18 feet are proposed.

4. Section 355.04 which states that the required lot width is 40 feet and the proposed lot width is 27 feet; this section also states that the required lot area is 4,800 square feet and 1,782 square feet are proposed.

5. Section 355.04 which states that the maximum gross floor area of building cannot exceed 1/2 lot area; in this case 891 square feet are permitted and 1,730 square feet are proposed.

6. Section 353.01 which states that maximum height permitted is 35 feet and a 40 foot height is proposed. (Filed January 16, 2018)

Calendar No. 18-24: 1837 West 54th Street (Ward 15)

W. 54 Townhomes LLC., owner, proposes to construct a new town home in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that a 20 foot aggregate width interior side yard required and a no interior side yard is proposed.

2. Section 357.13 which states that air conditioning unit is not a permitted side yard encroachment; two AC units are proposed.

3. Section 357.08(b)(1) which states that a 40 foot rear yard is required and 10 feet are proposed.

4. Section 355.04 which states that the required lot width is 40 feet and the proposed lot width is 28 feet; this section also states that the required lot area is 4,800 square feet and 1,848 square feet are proposed.

5. Section 355.04 which states that the maximum gross floor area of building cannot exceed 1/2 lot area; in this case 924 square feet are permitted and 1,730 square feet are proposed.

6. Section 353.01 which states that maximum height permitted is 35 feet and a 40 foot height is proposed. (Filed January 16, 2018)

Calendar No. 18-25: 1841 West 54th Street (Ward 15)

W. 54 Townhomes LLC., owner, proposes to construct a new town home 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 357.04(a) which states that a 10 foot front yard is required and no front yard is proposed.

2. Section 357.09(b)(2)(B) which states that a 20 foot aggregate width interior side yard required and a no interior side yard is proposed.

3. Section 357.08(b)(1) which states that a 40 foot rear yard is required and 10 feet are proposed.

4. Section 355.04 which states that the required lot width is 40 feet and the proposed lot width is 22 feet; this section also states that the required lot area is 4,800 square feet and 1,452 square feet are proposed.

5. Section 355.04 which states that the maximum gross floor area of building cannot exceed 1/2 lot area; in this case 726 square feet are permitted and 1,700 square feet are proposed.

6. Section 353.01 which states that maximum height permitted is 35 feet and a 40 foot height is proposed. (Filed January 16, 2018)

Calendar No. 18-26: 1845 West 54th Street (Ward 15)

W. 54 Townhomes LLC., owner, proposes to construct a new town home 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 357.04(a) which states that a 10 foot front yard is required and no front yard is proposed.

2. Section 357.09(b)(2)(B) which states that a 20 foot aggregate width interior side yard required and a no interior side yard is proposed.

3. Section 357.08(b)(1) which states that a 40 foot rear yard is required and 10 feet are proposed.

4. Section 355.04 which states that the required lot width is 40 feet and the proposed lot width is 27 feet; this section also states that the required lot area is 4,800 square feet and 1,782 square feet are proposed.

5. Section 357.13 which states that air conditioning unit is not a permitted side yard encroachment; one AC unit is proposed.

6. Section 355.04 which states that the maximum gross floor area of building cannot exceed 1/2 lot area; in this case 891 square feet are permitted and 1,730 square feet are proposed.

7. Section 353.01 which states that maximum height permitted is 35 feet and a 40 foot height is proposed. (Filed January 16, 2018)

Calendar No. 18-27: 1930 West 50th Street (Ward 15)

Roger Bliss proposes to erect a new single family, 896 square foot house and detached garage on a 3,300 square foot Cleveland Land Bank Lot in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that a minimum lot width of 40 feet is required and a 25 foot wide lot is proposed. This section also states that the minimum required lot area is 950 and 896 square foot floor area is proposed.

2. Section 357.09(b)(2)(A),(B) which states that interior side yards equal to one fourth the height of the building or in this case 6.5 feet, are required and interior side yard of 3 feet is proposed. Building must be at least 10 feet from main building on adjoining lot.

3. Section 341.02(b) which states that new residential development requires review and approval of the City Planning Commission Department. (Filed January 22, 2018)

Calendar No. 18-31: 15149 Lorain Avenue (Ward 17)

Elias Fernandez, owner, proposes to relocate glass block contractor office and showroom and add retail laundry on a parcel that is zoned C1 Multi-Family Residential District, C2 Local Retail Business District and Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.23(e)(1)(D) which states that in a Pedestrian Retail Overlay District a drive-through is a prohibited use.

2. Section 349.15(c) which states that one bicycle parking space is required and none are proposed.

3. Section 343.01(b)(2)(G) which states that retail laundry is not permitted in Multi-Family District but is first permitted in Local Retail Business District if 5 employees or less and in General Retail Business if more than 5 employees. Glass block contractor first permitted in Semi Industry District.

4. Section 352.05(g) which states that all landscaped strips located in or abutting parking areas shall be separated on all sides from the parking surface by curbing consisting of concrete, stone, brick, asphalt, or other material approved by the Commissioner of Building and Housing as having comparable appearance and durability. Curbing shall be in good condition upon installation.

5. Section 359.01(a) which states that substitution/expansion of non-conforming use requires BZA Approval. (Filed January 24, 2018)

**POSTPONED FROM
JANUARY 29, 2018**

Calendar No. 17-347: 1260/1212 Sumner Avenue (Ward 5)

1235 Euclid Ave. Cleveland LLC., owner, proposes to establish a 99 space parking lot in an E5 Semi-Industry 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 foot wide frontage landscape strip is required along Sumner Avenue where parking abuts the street and no landscaping is proposed.

2. Section 349.07(b) which states that a driveway shall not be located less than 15 feet from adjacent property line; driveway is proposed at the intersection of Bronson Court and East 12th Street property line.

3. Section 352.10(e) which states that a minimum 100 square foot island strip is required to separate parking spaces to no more than 20 parking spaces in a row; proposed lot has 22 parking space rows by Bronson Court and Sumner Avenue.

4. Section 341.02 which states that no building permit shall be issued by the city in Design Review Districts without design approval by the City Planning Commission; project has been denied by CPC. (Filed November 14, 2017 - Testimony Taken)

Second postponement made at the request of the appellant to allow for time to work with City Planning Commission. First postponement made at the request of the board to allow time for the appellant to be reviewed by City Planning Commission.

**POSTPONED FROM
JANUARY 22, 2018**

Calendar No. 17-371: 17134 Lorain Avenue (Ward 17)

The City Bank Investment Company, owner, and Patrick Burke, prospective tenant, propose to establish tattooing use in a C2 Local Retail Business District. The owner appeals for relief from the strict application of Section 343.01(b) which states that a Tattooing establishment is not permitted in a Local Retail Business District but is first permitted in a General Retail Business District per section 343.11(b)(2)(P), and even when in the district must be at least 1,000 feet from a residential district per section 347.12.(b)(2), and from another tattooing establishment per section 347.12(b)(3). The proposed use is within 100 feet of a residential district. (Filed December 21, 2017 - No Testimony)

First postponement made at the request of the Councilman to allow for time for community review.

**POSTPONED FROM
NOVEMBER 13, 2017**

**Withdrawn by the Appellant
Calendar No. 17-157:** 2333 East 55th Street (Ward 5)

James Majors, owner, proposes to erect a new 95 foot tall telecommunications tower on a parcel that is split zoned C1 Multi-Family and C2 General Retail Business and the owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 354.13 (a) which states that all applications shall be accompanied by the following information in addition to information required for all Building Permit applications.

(1) A site plan of the subject property showing adjoining streets, the proposed tower and any proposed and existing buildings, fencing, structures, landscaping, driveways, parking, and curb cuts on the subject property, including specifications for all proposed landscaping.

(2) An elevation drawing showing the proposed tower and all structures and landscaping shown on the required site plan, indicating the height, color and materials of the tower and all proposed fencing and other structures.

(3) A lighting plan for the proposed tower, indicating the location, color and intensity of the lighting, both as it will appear in daylight and at night, and indicating any mechanisms to prevent glare on adjacent properties and streets and to shield the lighting from residences, to the maximum extent feasible.

(4) A vicinity map showing the subject property and the proposed tower and fencing in the context of all property located within a distance from the tower equal to three (3) times the height of the tower, showing within this area, all streets and existing buildings and significant structures and indicating the residential use of any buildings and any property zoned in Residential or Landmarks Districts, such map being marked with topographic contours at five (5) foot intervals.

(5) Color photographs showing the current view of the tower site from any adjoining public street or any other street within two hundred (200) feet of the proposed tower and from the closest groupings of residential buildings located within an area from the proposed tower equal to three (3) times the height of the proposed tower, plus a second set of color photographs showing the same views with the proposed tower superimposed onto the photographs.

(6) A map showing all existing telecommunications towers and all buildings and structures exceeding one hundred (100) feet in height located within one (1) mile of the proposed tower, with such map being accompanied by documentation, in accordance with the provisions of Section 354.05, demonstrating that the applicant has investigated all opportunities for co-location or alternative location and has determined that such co-location or alternative location is infeasible or that the owner of any such structure

or attached telecommunications equipment has refused a reasonable offer for co-location.

(7) A statement indicating the estimated construction cost of the telecommunications tower and a statement indicating the estimated cost for demolition and removal of the telecommunications tower.

(8) A performance bond sufficient to cover the estimated demolition and removal of the telecommunications tower.

2. Section 354.11(b)(1) which states that at all times the permit holder shall maintain a Performance Bond sufficient to cover the demolition and removal of the telecommunications facility. Such bond shall be sufficient to guarantee full and faithful performance of the requirements of this chapter and shall be satisfactory to the Commissioner of Building and Housing and the Director of Law. On each biennial anniversary of the issuance of the Certificate of Occupancy for a telecommunications tower, or not more than ninety (90) days prior to that date, the permit holder shall provide to the Commissioner of Building and Housing proof that the performance bond requirements of this section are met.

3. Section 354.06(b) which states that no portion of a telecommunication tower shall be located closer to a residential district line than a distance equal to three times the height of the tower (tower height = 95 x 3) = 285'. The proposed tower is in split Zoning District of General Retail and Multi-Family. This section also states that the permitted "Height District" on the zoning map at the tower location is 60 feet and the proposed tower height is 98 feet. (Filed May 22, 2017 - No Testimony)

Third postponement made at the request of the appellant to allow for time to work with City Planning Commission. Second postponement made at the request of the appellant due to a scheduling conflict. First postponement made at the request of the appellant to allow for time for City Planning review.

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, FEBRUARY 12, 2018

At the meeting of the Board of Zoning Appeals on Monday, February 12, 2018 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 18-004: 4427 Rocky River Drive

St. Patrick R.C. Church, owner, and John T. Foundation, tenant, propose to establish use as drug/ alcohol residential rehabilitation facility for 40 residents and 4 staff, with residential, counseling and life-skill programs in an A1 One-Family Residential District.

Calendar No. 18-10: 1852-56 East 101st Street

Cleveland Construction Inc., proposes to establish use as temporary storage of a construction trailer and

parking on a vacant parcel owned by the City of Cleveland located in an E2 Multi-Family Residential District.

Waste Collection

Calendar No. 18-11: 4093 East 66th Street

Maria Chelbezan, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances.

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. 17-358: Sterling Pettway
5809 Hough Avenue. Postponed to March 19, 2018.

Calendar No. 17-359: Sterling Pettway
5813 Hough Avenue. Postponed to March 19, 2018.

Calendar No. 17-361: Fulton Denison LLC.
5804 Denison Avenue. Postponed to March 26, 2018.

Calendar No. 18-12: Ashok Kumar
2011 Broadview Road. Postponed to April 9, 2018.

Calendar No. 18-33: Sterling Pettway
5805-5813 Hough Avenue. Postponed to March 19, 2018.

The following cases were heard by the Board of Zoning Appeals on Monday, February 5, 2018 and the decisions were adopted and approved on Monday, February 12, 2018:

The following appeals were **APPROVED:**

Calendar No. 18-001: 15708 Lorain Avenue

HKM, owner, proposes to establish use of front portion of existing, non-conforming site as a retail yarn sales and dyeing establishment in a C2 Local Retail Business District and a Pedestrian Retail Overlay District.

Calendar No. 18-003: 5507 Harvard Avenue

Newburg Heights, owner, proposes to erect a 5' x 6.5' eight foot tall double faced non-illuminated ground sign in a C2 General Retail Business District.

Calendar No. 18-013: 11009 Woodland Avenue

Matthew Supler, owner, proposes to expand use of existing warehouse by erecting an addition in a C2 Local Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of February 7, 2018

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

* * *

Docket A-210-17.

RE: Appeal of Euromtrans Enterprises Co. C/O Cornelio Albescv, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 908 Paxton Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 25, 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-210-17 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-234-17.

RE: Appeal of University Investment Group, Owner of the Property, located on the premises known as 16113-16117 St. Clair Avenue from an ADJUDICATION ORDER, dated November 17, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-235-17.

RE: Appeal of Tameka Monagan, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property, located on the premises known as 4512 West 146th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated October 5, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 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; also stating that the Appellant is appealing the property address of 4512 West 146th Street, not 4516 West 146th Street as it appears on the February 7, 2018 Agenda. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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Docket A-236-17.

RE: Appeal of Yavne Enterprises, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Four Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 1830 East 87th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated November 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).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until May 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

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Docket A-237-17.

RE: Appeal of Emily F. Nagle, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property, located on the premises known as 3423 East 49th Street from a NOTICE OF VIOLATION — FIRE DAMAGE, dated October 26, 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 May 1, 2018 to contract for the demolition of the property, and until August 1, 2018 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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Docket A-238-17.

RE: Appeal of Birnbaum Family Limited Partnership, Owner of the F-2 Factory - Low Hazard (Non-combustibles) Two & One-half Story Masonry Walls/Wood Floors Property, located on the premises known as 4059 St. Clair Avenue (aka 4051-4115 St. Clair Avenue) from a NOTICE OF VIOLATION — UNAUTHORIZED/ILLEGAL USE, dated October 31, 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-238-17 has been POSTPONED; to be rescheduled March 7, 2018.

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Docket A-239-17.

RE: Appeal of Augustina & Okwuchukwu A. Okoye, Owners, Wayside Builders, LLC, Contractor of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 2207 East 87th Street from a NOTICE OF VIOLATION — NO PERMIT, dated October 31, 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 REMAND the property located at 2207 East 87th Street 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

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Docket A-240-17.

RE: Appeal of Anne M. Rosin, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Masonry Property, located on the premises known as 3242 West 140th Street from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, and VACATE ORDER, dated October 25, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Notice of Violation, and Vacate Order were properly issued; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action; with the understanding that the Appellant's rights will be protected and that the Vacate Order will be dismissed and won't be pursued. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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Docket A-241-17.

RE: Appeal of Harlan Palmer, Owner of Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 17916 Delavan Road (aka 17916-18 Delavan Road) from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 6, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

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Docket A-242-17.

RE: Appeal of Harlan Palmer, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 17926 Delavan Road (aka 17924-26 Delavan Road) from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 6, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-243-17.

RE: Appeal of Jatone D. Washington, Owner of the R-3 Residential - Non-transient; Townhomes (Independent Egress) Two Story Frame Property, located on the premises known as 1361 East 45th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 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 June 1, 2018 to complete abatement of the violations, noting that the property is to remain vacant during that period of time; but that the property may be rented if the violations are abated sooner than that date; 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-244-17.

RE: Appeal of Willglow Ventures, LLC, Owner of the Two Dwelling Units Two-Family Residence Two

Story Frame Property, located on the premises known as 1483 West 112th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 20, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Notice of Violation was properly issued, and to require the Appellant to coordinate with the City inspector and the Ward 15 Councilman during the duration of the project; 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. Maschke.

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

* * *

Docket A-4-18.

RE: Appeal of Euclid 117 LLC, Owner of the Property, located on the premises known as 11702 Euclid Avenue from an ADJUDICATION ORDER, dated December 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 variance requested and allow the manhole to be reduced from 8 to 6 through a manhole whose bottom is at 8 percent flow, and that the manhole and piping is going to be maintained by the building owner, and to require that the deed state the maintenance requirement. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Denk.

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

* * *

Docket A-21-18.

RE: Appeal of One Seventeen Development, Inc., Owner of the Properties, located on the premises known as 11615, 11607, 11609, 11611, 11613, 11603, 11601, 11605 Lake Avenue & 1223, 1225, 1221 West 117th Street from an ADJUDICATION ORDER, dated December 13, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Adjudication Order was properly issued, and to require the Appellant to comply with the Codified Ordinances as cited. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

EXTENSION OF TIME:

Docket A-135-17.
W. 6th St. Partners - 1280 West 6th Street.

A motion is in order at this time to grant the Appellant until April 15, 2018 to complete abatement of the violations. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

AMENDED RESOLUTION:

Docket A-227-17.

Ashok Kumar & Seema Rani - 2011 Broadview Road:

FROM: ..to DENY the Appellants request for additional time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action...

TO: ..to grant the Appellant until June 1, 2018 to complete abatement of the violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action...

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-118-17 — Terry Poltorek
- A-204-17 — State Of Ohio
- A-205-17 — Harry Wilson Jr.
- A-208-17 — Antonio spencer
- A-211-17 — Jorge Garcia Sr.
- A-222-17 — NexFinder LLC
- A-227-17 — Ashok Kumar & Seema Rani (Amended)
- A-228-17 — David Lunt
- A-230-17 — James Grunt
- A-232-17 — JSAW3LTD
- A-233-17 — Vivian N. Amujioqu
- A-12-18 — Project 29 Partners, LLC

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

* * *

APPROVAL OF MINUTES:

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

January 24, 2018

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

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY of CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, FEBRUARY 28, 2018

File No. 17-18 — Automotive and Truck Parts and Fleet Services, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, FEBRUARY 16, 2018 AT 10:30 A.M. CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, CONFERENCE ROOM A.

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

February 7, 2018 and February 14, 2018

FRIDAY, MARCH 2, 2018

File No. 15-18 — Restoration of Pavement for the Department of Public Utilities, for various Divisions, Department of Public Utilities, as authorized by Ordinance No. 703-16, passed by the Council of the City of Cleveland, July 13, 2016.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 15, 2018 AT 10:00 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, 4TH FLOOR ATRIUM CONFERENCE ROOM.

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

February 7, 2018 and February 14, 2018

WEDNESDAY, MARCH 7, 2018

File No. 16-18 — Labor and Materials for Maintenance and Replacement of Uninterruptible Power Supply Systems, Appurtenances and Specialized Batteries, for various Divisions, Department of Public Utilities, as authorized by Ordinance No. 704-16, passed by the Council of the City of Cleveland, July 13, 2016.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 15, 2018 AT 11:00 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, 4TH FLOOR ATRIUM CONFERENCE ROOM.

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

February 7, 2018 and February 14, 2018

THURSDAY, MARCH 1, 2018

File No. 19-18 — Madison Avenue (West 117th to West Blvd.) (Re-Bid), for the Division of Engineering and Construction, Office of Capital Projects, as authorized by Ordinance No. 1024-16, passed by the Council of the City of Cleveland, November 14, 2016.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH, AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS. ALL PLANS AND SPECIFICATIONS MUST BE PURCHASED DIRECTLY FROM THE DIVISION OF PURCHASES AND SUPPLIES.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING,

February 7, 2018 and February 14, 2018

THURSDAY, FEBRUARY 22, 2018 AT 9:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. ROOM 518.

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

February 14, 2018 and February 21, 2018

WEDNESDAY, MARCH 7, 2018

File No. 18-18 — Rehabilitating and Repairing Sewer Connections at Various Locations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 543-17, passed by the Council of the City of Cleveland, June 7, 2017.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH, AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS. ALL PLANS AND SPECIFICATIONS MUST BE PURCHASED DIRECTLY FROM THE DIVISION OF PURCHASES AND SUPPLIES.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, FEBRUARY 22, 2018 AT 11:00 A.M. DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

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

February 14, 2018 and February 21, 2018

WEDNESDAY, MARCH 14, 2018

File No. 20-18 — Labor and Materials Necessary for the Removal, Transport and Disposal of Transformer Including Testing and Disposal of PCB and Non-PCB Materials, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1084-17, passed by the Council of the City of Cleveland, December 4, 2017.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, MARCH 2, 2018 AT 2:30 P.M. CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, CONFERENCE ROOM A.

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

February 14, 2018 and February 21, 2018

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 5-18.

By Council Members Conwell and Zone.

An emergency resolution supporting the Vision Zero initiative, a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all, and committing to work with the Jackson administration and community stakeholders to create a Vision Zero plan for the City.

Whereas, Vision Zero began in Sweden as a notably different way of ensuring that people have the right to move about their communities safely, setting "zero" as the "only justifiable fatality target for road traffic"; and

Whereas, Sweden has one of the lowest annual rates of road deaths in the world: 3 out of 100,000; the annual road death rate in the United States is 12.3 out of 100,000; and

Whereas, in Ohio in 2016, there were 1,134 traffic fatalities, which is a 2% increase over 2015; in Ohio, traffic fatalities have risen 3 years in a row; and

Whereas, from 2011-2015 in Cuyahoga County there were 120,032 crashes, with the largest percentage of crashes being in the City: 44% of total crashes and 38% of fatal and serious injury crashes were in Cleveland during that time period; and

Whereas, the Vision Zero message is that traffic-related fatalities and injuries are neither an inevitable nor an acceptable side-effect of a transportation system, but are preventable; and

Whereas, to achieve Vision Zero there must be a commitment between government, relevant agencies and community stakeholders to cooperate and collaborate; a strong focus on a systems-based approach to the environment, practices, and policies that influence behavior; efforts to gather, analyze, use, and share data to understand specific traffic safety issues and prioritize resources; and

Whereas, Vision Zero policies or plans have been adopted by numerous cities in the United States, including Chicago, New York, Minneapolis, Philadelphia, Richmond, Virginia and Durham, North Carolina; and

Whereas, this Council will establish a Vision Zero taskforce with the Administration and key stakeholders to help create a Vision Zero plan for the City of Cleveland to address meaningful changes to traffic enforcement, land use and transportation ordinances; and

Whereas, the City's Vision Zero plan will build upon policies that the City already has in place, including the Complete and Green Streets legislation, Ordinance No. 798-11, passed September 19, 2011, and section 433.09 of the Codified Ordinances which prohibits texting while driving; and

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

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

Section 1. That this Council supports the Vision Zero initiative, a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all, and commits to work with the Jackson administration and community stakeholders to create a Vision Zero plan for the City.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to all members of the Ohio State legislature, to the Congressional Senators from Ohio, the Congressional House of Representatives from Cuyahoga County, the National League of Cities and Bike Cleveland.

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 February 5, 2018.

Effective February 6, 2018.

Res. No. 162-18.

By Council Member Kazy.

An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor 4625-29 West 130th Street and repealing Resolution No. 1427-17 objecting to said permit.

Whereas, this Council objected to a transfer of ownership of a D2, D2X, D3, D3A and D6 liquor permit to Meet and Greet Bar and Grill, LLC, 4625-29 West 130th Street, Cleveland, Ohio 44135, Permit Number 5870996 by Resolution No. 1427-17 adopted by the Council on November 27, 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 D2, D2X, D3, D3A and D6 liquor permit to Meet and Greet Bar and Grill, LLC, 4625-29 West 130th Street, Cleveland, Ohio 44135, Permit Number 5870996, be and the same is hereby withdrawn and Resolution No. 1427-17, 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 February 5, 2018.

Effective February 6, 2018.

Res. No. 163-18.

By Council Member Bishop.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 11113 Nelson Avenue and repealing Resolution No. 1416-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at Hatties Deli, LLC, 11113 Nelson Avenue, Cleveland, Ohio 44105, Permanent Number 3664219 by Resolution No. 1416-17 adopted by the Council on November 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 a New C1 Liquor Permit at Hatties Deli, LLC, 11113 Nelson Avenue, Cleveland, Ohio 44105, Permanent Number 3664219, be and the same is hereby withdrawn and Resolution No. 1416-17, 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 February 5, 2018.

Effective February 6, 2018.

Ord. No. 120-18.

By Council Member Kelley (by departmental request).

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

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

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

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

terms of Section 803.100 of H.B. 49 and Section 718.04(A) of the Ohio Revised Code; and

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

Whereas, the City, by enacting this Ordinance, does not concede the legality of H.B. 49's municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, or any other law that is subject to the suit in which the City is participating, and reserves its right to continue prosecution of that lawsuit; and

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

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

Section 1. That this Council hereby expressly finds and determines that it does not concede the legality of H.B. 49's municipal income tax provisions; Section 803.100 of H.B. 49; Section 718.04(A) of the Ohio Revised Code; or any other law that is the subject of the action pending in Case Number 2017 CV 10258 in the Franklin County Court of Common Pleas, and that the City reserves its rights to continue its participation in and prosecution of said litigation, and any other litigation challenging the State's authority to dictate municipal tax collection and administration, and that adoption of this Ordinance shall not prejudice the claims of the City therein.

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

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

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

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

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

(b)

(1) A taxpayer shall make the initial election on or before the first day of the third month after the beginning of the taxpayer's taxable

year by notifying the tax commissioner and the City, on a form prescribed by the tax commissioner.

(2)

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

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

C. Upon a timely and valid termination of the election, the taxpayer is no longer subject to Sections 192.57 to 192.72 of the Codified Ordinances, and is instead subject to the provisions set forth in the remainder of this chapter.

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

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

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

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

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

Section 192.58 Definitions

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

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

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

(b) Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation as described in division (D)(5) of section 718.01 of the Revised Code and Section 192.06 of

the Codified Ordinances, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

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

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

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

(4)

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

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

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

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

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

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

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

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

If the taxpayer is not a C corporation, is not a disregarded entity

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

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

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

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

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

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

Section 192.59 Applicability; taxable situs; apportionment

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

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

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

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

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

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

(b)

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

A. Separate accounting;

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

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

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

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely

filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (a) of Section 192.67 of the Codified Ordinances.

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

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

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

A. The employer;

B. A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 192.60 Information Provided to Tax Administrators; Confidentiality

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

(b) In May and November of each year, the tax commissioner shall provide the City tax administrator with the following information for every taxpayer that filed tax

returns with the commissioner under Sections 192.57 to 192.72 of the Codified Ordinances and that had municipal taxable income apportionable to the City under this chapter for any prior year:

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

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

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

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

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

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

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

(e)

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

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

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

(a)

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

(2) If a taxpayer has multiple taxable years ending within one

calendar year, the taxpayer shall aggregate the facts and figures necessary to compute the tax due under this chapter, in accordance with Sections 192.58, 192.59, and, if applicable, 192.63 of the Codified Ordinances onto its annual return.

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

(b) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner received pursuant to sections 718.80 to 718.95 of the Revised Code. The treasurer shall credit ninety-nine and one-half per cent of such amounts to the municipal income tax fund and the remainder to the municipal income tax administrative fund established under section 5745.03 of the Revised Code.

(c)

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

(2)

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

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

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

(d)

(1)

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

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

on or before the date the municipal income tax return is due, the commissioner shall grant the taxpayer's extension request.

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

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

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

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

Section 192.62 Electronic Filing

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

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

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

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

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

Section 192.63 Consolidated Returns

(a) As used in this section:

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

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

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

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

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

(b)

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

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

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

(4) When a taxpayer makes the election allowed under Section 192.57 of the Codified Ordinances, a valid election made by the taxpayer under

division (b)(1) or (2) of Section 192.15 of the Codified Ordinances is binding upon the tax commissioner for the remainder of the five-year period.

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

(c) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated tax return for that taxable year if the tax commissioner determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to a municipal corporation. A taxpayer that is required to file a consolidated tax return for a taxable year shall file a consolidated tax return for all subsequent taxable years unless the taxpayer requests and receives written permission from the commissioner to file a separate return or a taxpayer has experienced a change in circumstances.

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

(e)

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

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

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

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

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

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

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

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

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

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

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

Section 192.64 Failure to Pay Tax

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

Section 192.65 Declaration of Estimated Taxes

(a) As used in this section:

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

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

(b)

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

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

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

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

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

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

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

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

C. On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven

and one-half per cent of the combined tax liability for the taxable year;

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

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

(3)

A. Each taxpayer shall report on the declaration of estimated taxes the portion of the remittance that the taxpayer estimates that it owes to each municipal corporation for the taxable year.

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

(d)

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

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

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

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

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

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

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

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

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

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

Section 192.66 Additional Penalties

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

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

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

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

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

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

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

Ordinances, a penalty of up to five hundred dollars may be imposed.

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

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

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

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

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

Section 192.67 Assessments Against Taxpayer

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

The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the date the return subject to assessment was required to be filed or the date the return was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in Section 192.68 of the Codified Ordinances for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file

a return subject to assessment as required by Sections 192.57 to 192.72 of the Codified Ordinances, or that files a fraudulent return. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(b) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

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

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

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

(d) All money collected under this section shall be credited to the

municipal income tax fund and distributed to the municipal corporation to which the money is owed based on the assessment issued under this section.

(e) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (c) of this section. Notice of the jeopardy assessment shall be served on the taxpayer assessed or the taxpayer's legal representative in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (b) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

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

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

Section 192.68 Refund Applications

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

(b)

(1) On the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. The amount determined shall be based

on the amount overpaid per return or assessment. If the amount is greater than ten dollars and not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the tax refund fund created in section 5703.052 of the Revised Code. If the amount is greater than ten dollars but less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

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

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

Section 192.69 Amended Returns

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

(b) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due together with any penalty and interest thereon. An amended return required by this section is a return subject to assessment under Section 192.67 of the Codified Ordinances for the purpose of assessing any additional tax due under this section,

together with any applicable penalty and interest. The amended return shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal tax return.

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

Section 192.70 Examination of Records and Other Documents and Persons

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

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

(c) The tax commissioner may examine under oath any person that

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

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

Section 192.71 Credits

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

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

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

(b)

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

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

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

Section 192.72 Reckless Violations; Penalties

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

(b) Each instance of access or disclosure in violation of division (a)

of Section 192.60 of the Codified Ordinances constitutes a separate offense.

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

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

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

Passed February 5, 2018.

Effective February 6, 2018.

Ord. No. 121-18.

By Council Member Kelley (by departmental request).

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

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

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

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

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

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

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

from and after the earliest period allowed by law.

Passed February 5, 2018.

Effective February 6, 2018.

Ord. No. 155-18.

By Council Member Polensek.

An emergency ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with the LaSalle AMC TCE, LLC for the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 Neighborhood Capital Funds and 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 is hereby authorized to enter into an agreement with the LaSalle AMC TCE, LLC for the interior and exterior renovation improvement of the LaSalle Theater located between 819 and 829 East 185th Street, Cleveland, Ohio for the public purpose of stimulating commercial economic development on East 185th Street and in the Waterloo Arts District in the city of Cleveland through the use of Ward 8 Neighborhood Capital Funds and Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$120,000 and shall be paid from Fund No. 10 SF 177, and 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 February 5, 2018.

Effective February 6, 2018.

Ord. No. 156-18.

By Council Members Johnson, Polensek, Conwell and Hairston.

An emergency ordinance amending Section 2 of Ordinance No. 1413-17 passed November 20, 2017 as amended by Ordinance No. 1464-17 passed December 4, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8, 9 and 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 Section 2 of Ordinance No. 1413-17 passed November 20, 2017 as amended by Ordinance No. 1464-17 passed December 4, 2017 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$90,000 and shall be paid from Fund No. 10 SF 188.

Section 2. That Section 2 of Ordinance No. 1413-17 passed November 20, 2017 as amended by Ordinance No. 1464-17 passed December 4, 2017 is hereby repealed.

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

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

Passed February 5, 2018. Effective February 6, 2018.

COUNCIL COMMITTEE MEETINGS

Monday, February 12, 2018 9:30 a.m.

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

2:00 p.m.

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

Tuesday, February 13, 2018 9:30 a.m.

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

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

Wednesday, February 14, 2018 10:00 a.m.

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

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O—Ordinance; R—Resolution; F—File
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Authorizing the Director of the Department of Economic Development to enter into an agreement with the LaSalle AMC TCE, LLC for the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 Neighborhood Capital Funds and Casino Revenue Funds. (O 155-18)207

Finance Department

Authorizing the City to purchase electricity and/or gas from an electric generation services provider and/or gas services provider for City buildings and to participate with the Cleveland Municipal School District and the Northeast Ohio Regional Sewer District, jointly or severally, in a Request for Proposals to procure such services; authorizing relative agreements; and the employment of one or more professional energy consultants for consulting services, including but not limited to energy procurement and management, for a period up to three years, with two one year options to renew, exercisable by the Director of Finance. (O 183-18)188

Authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into one or more contracts with Court Community Service to arrangement placement and supervision of persons to community service assignments and to the Cleveland work Crew Program, both as referred by the Court, for the Cleveland Municipal Court, each for a period of one year. (O 121-18)207

To amend Section 7 of Ordinance No. 323-15, passed March 30, 2017, as amended by various ordinances, relating to compensation for various classifications. (O 82-18)191

To amend Section 8 of Ordinance No. 323-15, passed March 30, 2017, as amended by various ordinances, relating to compensation for various classifications. (O 83-18)191

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 192.57 to 192.72, relating to the collection and administration of net profit taxes. (O 120-18)199

Grants

Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Title X Program; authorizing the director to charge and accept fees; entering into one or more agreements to receive payments from Medicare, Medicaid and Medicaid HMO programs; employing professional consultants, and authorizing one or more requirement contracts. (O 152-18)191

Authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Homeland Security for the FY17 Port Security Grant Program; authorizing the purchase by one or more requirement contracts of labor and materials needed to provide security enhancements and upgrades to various lift bridges, including labor and installation, if necessary. (O 184-18)188

From Director Michael McGrath, Department of Public Safety, City of Cleveland. Notice of acceptance of a grant of \$6,592.98 from the Ohio Department of Public Safety through University Hospitals for 2018 OVI Task Force. (F 179-18)187

To amend the title and Section 6 of Ordinance No. 543-16, passed June 6, 2016, relating to applying for and accepting a grant from Substance Abuse and Mental Health Services Administration, Center for Mental Health Services and Center for Substance Abuse Treatment for the Cooperative Agreements to Benefit Homeless Individuals Program. (O 123-18)191

Health Department

Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Title X Program; authorizing the director to charge and accept fees; entering into one or more agreements to receive payments from Medicare, Medicaid and Medicaid HMO programs; employing professional consultants, and authorizing one or more requirement contracts. (O 152-18)191

To amend the title and Section 6 of Ordinance No. 543-16, passed June 6, 2016, relating to applying for and accepting a grant from Substance Abuse and Mental Health Services Administration, Center for Mental Health Services and Center for Substance Abuse Treatment for the Cooperative Agreements to Benefit Homeless Individuals Program. (O 123-18)191

Holiday Food Gift Card Program

Amending Section 2 of Ordinance No. 1413-17 passed November 20, 2017 as amended by Ordinance No. 1464-17 passed December 4, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8, 9 and 10 Casino Revenue Funds. (O 156-18)207

Homeland Security

Authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Homeland Security for the FY17 Port Security Grant Program; authorizing the purchase by one or more requirement contracts of labor and materials needed to provide security enhancements and upgrades to various lift bridges, including labor and installation, if necessary. (O 184-18)188

Human Resources Department

Authorizing the Director of Human Resources to employ one or more professional consultants to administer the City's COBRA program and HIPAA compliance for a one year period, with two one year options to renew, the second of which requires additional legislation. (O 160-18)191
To amend Section 7 of Ordinance No. 323-15, passed March 30, 2017, as amended by various ordinances, relating to compensation for various classifications. (O 82-18)191
To amend Section 8 of Ordinance No. 323-15, passed March 30, 2017, as amended by various ordinances, relating to compensation for various classifications. (O 83-18)191

Liquor Permits

#0161035. Transfer of Ownership Application, C1. Amira Beverage LLC, 831 East 140th St. (Ward 10). (F 181-18)187
#8569770. New License Application, C1. Steward Family Enterprises LLC, 8410 Cedar Ave. (Ward 6). (F 180-18)187
Objecting to the transfer of ownership of a C1 Liquor Permit to 831 East 140th Street. (R 190-18)190
Objecting to the transfer of ownership of a D5 Liquor Permit to 16612 Lorain Avenue. (R 193-18)190
Withdrawing objection to a New C1 Liquor Permit at 11113 Nelson Avenue and repealing Resolution No. 1416-17, objecting to said permit. (R 163-18)199
Withdrawing objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor 4625-29 West 130th Street and repealing Resolution No. 1427-17 objecting to said permit. (R 162-18)199

Neighborhood Capital Funds

Authorizing the Director of the Department of Economic Development to enter into an agreement with the LaSalle AMC TCE, LLC for the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 Neighborhood Capital Funds and Casino Revenue Funds. (O 155-18)207

Northeast Ohio Regional Sewer District

Authorizing the City to purchase electricity and/or gas from an electric generation services provider and/or gas services provider for City buildings and to participate with the Cleveland Municipal School District and the Northeast Ohio Regional Sewer District, jointly or severally, in a Request for Proposals to procure such services; authorizing relative agreements; and the employment of one or more professional energy consultants for consulting services, including but not limited to energy procurement and management, for a period up to three years, with two one year options to renew, exercisable by the Director of Finance. (O 183-18)188

Office of Professional Standards

Authorizing the Director of Public Safety to employ one or more professional consultants to perform investigative services related to non-criminal civilian complaints filed with the Office of Professional Standards in 2015, 2016, and 2017, Department of Public Safety, for a period not to exceed one year, with one option to renew for an additional year, exercisable by the Director of Public Safety. (O 84-18)191

Ohio Department of Public Health

Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Title X Program; authorizing the director to charge and accept fees; entering into one or more agreements to receive payments from Medicare, Medicaid and Medicaid HMO programs; employing professional consultants, and authorizing one or more requirement contracts. (O 152-18)191

Ohio Department of Public Safety

From Director Michael McGrath, Department of Public Safety, City of Cleveland. Notice of acceptance of a grant of \$6,592.98 from the Ohio Department of Public Safety through University Hospitals for 2018 OVI Task Force. (F 179-18)187

Ohio Housing Finance Agency

From Robert S. Curry, Executive Director, CHN Housing Partners. Notice of intent to apply to Ohio Housing Finance Agency for multifamily funding programs for the development known as Legacy at Saint Luke’s, at multiple sites on East 110th Street and East 112th Street, north of Martin Luther King, Jr., Boulevard; in Cleveland, Ohio. (F 194-18)187

Professional Services

Authorizing the Director of Human Resources to employ one or more professional consultants to administer the City’s COBRA program and HIPAA compliance for a one year period, with two one year options to renew, the second of which requires additional legislation. (O 160-18)191

Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Title X Program; authorizing the director to charge and accept fees; entering into one or more agreements to receive payments from Medicare, Medicaid and Medicaid HMO programs; employing professional consultants, and authorizing one or more requirement contracts. (O 152-18)191

Authorizing the Director of Public Safety to employ one or more professional consultants to perform investigative services related to non-criminal civilian complaints filed with the Office of Professional Standards in 2015, 2016, and 2017, Department of Public Safety, for a period not to exceed one year, with one option to renew for an additional year, exercisable by the Director of Public Safety. (O 84-18)191

Resolution of Support

Supporting the Vision Zero initiative, a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all, and committing to work with the Jackson administration and community stakeholders to create a Vision Zero plan for the City. (R 5-18)199

Safety Department

Authorizing the Director of Public Safety to accept the donation of pre-packaged frozen desserts, use of a freezer, and related items, from the Cleveland Police Foundation for the “Let’s Chill Together” program for local youths and young adults, Division of Police, Department of Public Safety; and to accept additional donations of pre-packaged frozen desserts, related items, and/or ancillary equipment from other entities for City events. (O 185-18)188

Authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Homeland Security for the FY17 Port Security Grant Program; authorizing the purchase by one or more requirement contracts of labor and materials needed to provide security enhancements and upgrades to various lift bridges, including labor and installation, if necessary. (O 184-18)188

Authorizing the Director of Public Safety to employ one or more professional consultants to perform investigative services related to non-criminal civilian complaints filed with the Office of Professional Standards in 2015, 2016, and 2017, Department of Public Safety, for a period not to exceed one year, with one option to renew for an additional year, exercisable by the Director of Public Safety. (O 84-18)191

From Director Michael McGrath, Department of Public Safety, City of Cleveland. Notice of acceptance of a grant of \$6,592.98 from the Ohio Department of Public Safety through University Hospitals for 2018 OVI Task Force. (F 179-18)187

Salaries

To amend Section 8 of Ordinance No. 323-15, passed March 30, 2017, as amended by various ordinances, relating to compensation for various classifications. (O 83-18)191

To amend Section 7 of Ordinance No. 323-15, passed March 30, 2017, as amended by various ordinances, relating to compensation for various classifications. (O 82-18)191

Senior Citizen Resources

Authorizing the Director of the Department of Community Development to enter into an agreement with Ashbury Community Services, Inc for the Ashbury Senior Computer Community Center Program through the use of Ward 9 Casino Revenue Funds. (O 187-18)189

Shaker Square Development Corporation

Amending the Title and Sections 1 and 2 of Ordinance No. 967-17 passed August 16, 2017 as it pertains to the Authorizing the Director of the Department of Community Development to enter into agreement with Shaker Square Development Corporation for the SHAD Connection Newsletter Project through the use of Wards 4 and 6 Casino Revenue Funds. (O 186-18)189
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Taxes

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 192.57 to 192.72, relating to the collection and administration of net profit taxes. (O 120-18)199
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Tax Review, Local Board

Appointing two members to the Local Board of Tax Review. (R 182-18)190
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Unions

To amend Section 7 of Ordinance No. 323-15, passed March 30, 2017, as amended by various ordinances, relating to compensation for various classifications. (O 82-18)191
To amend Section 8 of Ordinance No. 323-15, passed March 30, 2017, as amended by various ordinances, relating to compensation for various classifications. (O 83-18)191

University Hospitals

From Director Michael McGrath, Department of Public Safety, City of Cleveland. Notice of acceptance of a grant of \$6,592.98 from the Ohio Department of Public Safety through University Hospitals for 2018 OVI Task Force. (F 179-18)187
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Utilities Gas/Electric Generation

Authorizing the City to purchase electricity and/or gas from an electric generation services provider and/or gas services provider for City buildings and to participate with the Cleveland Municipal School District and the Northeast Ohio Regional Sewer District, jointly or severally, in a Request for Proposals to procure such services; authorizing relative agreements; and the employment of one or more professional energy consultants for consulting services, including but not limited to energy procurement and management, for a period up to three years, with two one year options to renew, exercisable by the Director of Finance. (O 183-18)188
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Ward 1

Condolence Resolution for Willie Davis Eiland. (R 191-18)187
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Ward 2

Withdrawing objection to a New C1 Liquor Permit at 11113 Nelson Avenue and repealing Resolution No. 1416-17, objecting to said permit. (R 163-18)199
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Ward 3

Authorizing the Director of the Department of Community Development to enter into agreement with the Collective Arts Network for the CAN Triennial Catalog and Summer Preview Project through the use of Wards 3 and 15 Casino Revenue Funds. (O 189-18)190
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Ward 4

Amending Section 2 of Ordinance No. 1413-17 passed November 20, 2017 as amended by Ordinance No. 1464-17 passed December 4, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8, 9 and 10 Casino Revenue Funds. (O 156-18)207
Amending the Title and Sections 1 and 2 of Ordinance No. 967-17 passed August 16, 2017 as it pertains to the Authorizing the Director of the Department of Community Development to enter into agreement with Shaker Square Development Corporation for the SHAD Connection Newsletter Project through the use of Wards 4 and 6 Casino Revenue Funds. (O 186-18)189

Ward 5

Amending the Title and Sections 1 and 2 of Ordinance No. 1371-17, passed November 13, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Restoration Society for the Heritage Home Program through the use of Wards 5, 6, 8, 10, 11, 13, and 15 Casino Revenue Funds. (O 188-18)189
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Ward 6

#8569770. New License Application, C1. Steward Family Enterprises LLC, 8410 Cedar Ave. (Ward 6). (F 180-18)187

Amending the Title and Sections 1 and 2 of Ordinance No. 1371-17, passed November 13, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Restoration Society for the Heritage Home Program through the use of Wards 5, 6, 8, 10, 11, 13, and 15 Casino Revenue Funds. (O 188-18)189

Amending the Title and Sections 1 and 2 of Ordinance No. 967-17 passed August 16, 2017 as it pertains to the Authorizing the Director of the Department of Community Development to enter into agreement with Shaker Square Development Corporation for the SHAD Connection Newsletter Project through the use of Wards 4 and 6 Casino Revenue Funds. (O 186-18)189

Ward 8

Amending the Title and Sections 1 and 2 of Ordinance No. 1371-17, passed November 13, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Restoration Society for the Heritage Home Program through the use of Wards 5, 6, 8, 10, 11, 13, and 15 Casino Revenue Funds. (O 188-18)189

Amending Section 2 of Ordinance No. 1413-17 passed November 20, 2017 as amended by Ordinance No. 1464-17 passed December 4, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8, 9 and 10 Casino Revenue Funds. (O 156-18)207

Authorizing the Director of the Department of Economic Development to enter into an agreement with the LaSalle AMC TCE, LLC for the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 Neighborhood Capital Funds and Casino Revenue Funds. (O 155-18)207

Ward 9

Amending Section 2 of Ordinance No. 1413-17 passed November 20, 2017 as amended by Ordinance No. 1464-17 passed December 4, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8, 9 and 10 Casino Revenue Funds. (O 156-18)207

Authorizing the Director of the Department of Community Development to enter into an agreement with Ashbury Community Services, Inc., for the Ashbury Senior Computer Community Center Program through the use of Ward 9 Casino Revenue Funds. (O 187-18)189

Ward 10

#0161035. Transfer of Ownership Application, C1. Amira Beverage LLC, 831 East 140th St. (Ward 10). (F 181-18)187

Amending Section 2 of Ordinance No. 1413-17 passed November 20, 2017 as amended by Ordinance No. 1464-17 passed December 4, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8, 9 and 10 Casino Revenue Funds. (O 156-18)207

Amending the Title and Sections 1 and 2 of Ordinance No. 1371-17, passed November 13, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Restoration Society for the Heritage Home Program through the use of Wards 5, 6, 8, 10, 11, 13, and 15 Casino Revenue Funds. (O 188-18)189

Objecting to the transfer of ownership of a C1 Liquor Permit to 831 East 140th Street. (R 190-18)190

Ward 11

Amending the Title and Sections 1 and 2 of Ordinance No. 1371-17, passed November 13, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Restoration Society for the Heritage Home Program through the use of Wards 5, 6, 8, 10, 11, 13, and 15 Casino Revenue Funds. (O 188-18)189

Ward 13

Amending the Title and Sections 1 and 2 of Ordinance No. 1371-17, passed November 13, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Restoration Society for the Heritage Home Program through the use of Wards 5, 6, 8, 10, 11, 13, and 15 Casino Revenue Funds. (O 188-18)189

Welcome Resolution for Justice Peter Charleton. (R 192-18)187

Ward 15

Amending the Title and Sections 1 and 2 of Ordinance No. 1371-17, passed November 13, 2017 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Restoration Society for the Heritage Home Program through the use of Wards 5, 6, 8, 10, 11, 13, and 15 Casino Revenue Funds. (O 188-18)189

Authorizing the Director of the Department of Community Development to enter into agreement with the Collective Arts Network for the CAN Triennial Catalog and Summer Preview Project through the use of Wards 3 and 15 Casino Revenue Funds. (O 189-18)190

Condolence Resolution for Joseph Vaccaro. (R 196-18)187

Supporting the Vision Zero initiative, a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all, and committing to work with the Jackson administration and community stakeholders to create a Vision Zero plan for the City. (R 5-18)199

Ward 16

Withdrawing objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor 4625-29 West 130th Street and repealing Resolution No. 1427-17 objecting to said permit. (R 162-18)199

Ward 17

Objecting to the transfer of ownership of a D5 Liquor Permit to 16612 Lorain Avenue. (R 193-18)190

Welcome

Welcome Resolution for Justice Peter Charleton. (R 192-18)187