

The City Record

Official Publication of the Council of the City of Cleveland



August the Third, Two Thousand and Sixteen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

Ward	Name	Residence	
1	Terrell H. Pruitt	16920 Throckley Avenue	44128
2	Zack Reed	3734 East 149th Street	44120
3	Kerry McCormack	1429 West 38th Street	44113
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Michael D. Polensek	17855 Brian Avenue	44119
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
11	Dona Brady	1272 West Boulevard	44102
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Brian J. Cummins	3104 Mapledale Avenue	44109
15	Matthew Zone	1228 West 69th Street	44102
16	Brian Kazy	4300 West 143rd Street	44135
17	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Martin J. Flask, Executive Assistant to the Mayor of Special Projects
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
 Jenita McGowan, 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
 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

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

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

Natasha Brandt, Manager, Internal Audit

DIVISIONS:
 Accounts – Lonya Moss Walker, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – James Hartley, Interim Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Douglas Divish, 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 – Fred Szabo, Interim 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 – Antonette Thompson, Interim Commissioner
 Property Management – Tom Nagle, Commissioner
 Recreation – Samuel Gissentaner, Interim Commissioner
 Streets – Frank D. Williams, Interim Commissioner
 Traffic Engineering – Robert Mavec, Commissioner
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

DEPT. OF PUBLIC HEALTH – _____, Director, 75 Erieview Plaza

DIVISIONS:
 Air Quality – George Baker, Commissioner
 Environment – Chantez Williams, Commissioner, 75 Erieview Plaza
 Health – _____, Commissioner, 75 Erieview Plaza

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

DIVISIONS:
 Animal Control Services – Edward Jamison, Chief Animal Control Officer, 2690 West 7th Street
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive
 Fire – Patrick Kelly, Chief, 1645 Superior Avenue
 Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:
 Administrative Services – Jesus Rodriguez, Commissioner
 Fair Housing and Consumer Affairs Office – John Mahoney, Manager
 Neighborhood Development – Chris Garland, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner

DEPT. OF BUILDING AND HOUSING – Ronald J.H. O’Leary, Director, Room 500

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

DEPT. OF HUMAN RESOURCES – Nicole West, Interim Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Tracey A. Nichols, Director, Room 210

DEPT. OF AGING – Jane Fumich, Director, Room 122

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Eugene R. Miller (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Gary Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L. Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael Flickinger.

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: Mary Haas McGraw, Joan Shaver Washington, Tim Donovan, Elizabeth Kukla, Secretary.

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

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

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

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Barbara A. Langhenry; Utilities Director Paul Bender; Council President Kevin J. Kelley.

CITY PLANNING COMMISSION – Room 501 – Freddy L. Collier, Jr., Director; Anthony J. Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

FAIR HOUSING BOARD – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L. Render, Genesis O. Brown.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton.

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

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

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel Whalen, Nancy Cronin, Elvin Vauss.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Julie Trott, Chair; Giancarlo Calicchia, Vice Chair; Laura M. Bala, Freddy L. Collier, Jr., Allan Dreyer, Council Member Terrell H. Pruitt, Robert Strickland, Donald Petit, Secretary.

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

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom
 Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A
 Judge Pinkey S. Carr – Courtroom 15C
 Judge Marilyn B. Cassidy – Courtroom 13A
 Judge Michelle Denise Earley – Courtroom 14C
 Judge Emanuella Groves – Courtroom 14B
 Judge Lauren C. Moore – Courtroom 14A
 Judge Charles L. Patton, Jr. – Courtroom 13D
 Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B
 Judge Michael R. Sliwinski – Courtroom 12A
 Judge Janet Rath Colaluca – Courtroom 12B
 Judge Suzan Marie Sweeney – Courtroom 12C
 Judge Ed Wade – Courtroom 13C
 Judge Joseph J. Zone – Courtroom 14D

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

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Vol. 103

WEDNESDAY, AUGUST 3, 2016

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CITY COUNCIL

MONDAY, AUGUST 1, 2016

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

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

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

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

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

Ohio, 1976, selecting Logicalis, Inc., upon nomination of the Director of Public Utilities, for a contract to provide professional services necessary to acquire software licenses and upgrades for the Data and Voice Infrastructure network technology system for a term of 12 months for the Department of Public Utilities, incorrectly stated the Director of Public Safety was authorized to enter into the contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 329-16, adopted by this Board July 20, 2016, under Section 181.102(b) of the Codified Ordinances of Cleveland, Ohio, 1976, selecting Logicalis, Inc. for the professional services necessary to acquire software licenses and upgrades for the Data and Voice Infrastructure network technology system for the Department of Public Utilities, is amended by substituting "Public Utilities" for "Public Safety" where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 329-16 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Davis, Interim Director Szabo, Directors Cox, Gordon, Acting Directors Withers, Cosgrove, Interim Director West, Directors Nichols, Fumich, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2015-2017

MONDAY — Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

The following measure will be on its final passage at the next meeting:

Ord. No. 621-16.

By Council Member Kelley (by initiative petition).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new sections 174.01 through 174.06 relating to Cleveland Minimum Wage.

BOARD OF CONTROL

July 27, 2016

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, July 27, 2016 at 10:39 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Davis, Interim Director Szabo, Directors Cox, Gordon, Acting Directors Withers, Cosgrove, Interim Director West, Directors Nichols, Fumich, and O'Leary.

Absent: Mayor Jackson and Director Dumas.

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

Michael Curry, Acting Director, Office of Equal Opportunity.

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

Resolution No. 337-16.

By Director Davis.

Whereas, Board of Control Resolution No. 329-16, adopted July 20, 2016, under Section 181.102(b) of the Codified Ordinances of Cleveland,

Resolution No. 338-16.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that, under Ordinance No. 633-16 passed by the Council of the City of Cleveland June 6, 2016 Safe Choice LLC is selected upon nomination of the Director of Public Works from a list of companies determined after a full and complete canvass by the Director of Public Works as the company to provide security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for the Division of Recreation, Department of Public Works, for the period one year beginning September 1, 2016.

Be it further resolved that the Director of Public Works is authorized to enter into a written contract with Safe Choice LLC, based on its June 29, 2016 proposal, to supply armed, uniformed, commissioned officers at the facilities, during the period beginning September 1, 2016 and ending August 31, 2017, which

contract shall be prepared by the Director of Law and shall include such additional provisions as the Director considers necessary to benefit and protect the public interest. The fees for services to be performed under the contract authorized, as stated in the company's proposal shall be \$28.95 per officer hour and \$29.95 per supervisor hour at the facilities, not to exceed \$600,000.00.

Be it further resolved that all other provisions of Resolution No. 329-16 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Davis, Interim Director Szabo, Directors Cox, Gordon, Acting Directors Withers, Cosgrove, Interim Director West, Directors Nichols, Fumich, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

PROPOSED AMENDMENTS TO CIVIL SERVICE RULE

CITY OF CLEVELAND CIVIL SERVICE COMMISSION

Whereas, this Civil Service Commission has determined that Rules 3.20, 3.42, 4.20-A, 4.30-A, 4.301-A, 6.10, 6.20, 6.50, 6.70, 6.80, 8.25, 9.21, 9.22, 10.00, 10.80, 13.10, and the Glossary of the Rules of the Civil Service Commission require amendment;

Now, therefore, be it resolved by the Civil Service Commission that the attached amendments to the

Rules of the Civil Service Commission of the City of Cleveland, Ohio are adopted in accordance with the authority conferred upon the Civil Service Commission of the City of Cleveland, Ohio, under Section 127 of the Charter of the City of Cleveland;

Be it further resolved that all other provision of the Rules of the Civil Service Commission not expressly amended by this Resolution shall remain unchanged and in full force and effect.

Date of publication in City Record: August 3, 2016.

3.20 Filing of Applications

Applications shall be filed electronically, or at the office of the Commission during regular office hours, or at such other place or places designated by the Commission, and within the time limit fixed by the official notice of the examination.

3.42 Experience and Education

Whenever, in the judgment of the Commission, requirements as to experience or education or both are factors in determining the merit and fitness of applicants, the Commission shall prescribe minimum experience or educational requirements or both for entrance to examinations. Provided however that no person shall be permitted to take an examination who is unable to produce a certificate attesting to his or her having graduated from a standard four-year high school, except that applicant achieving a certification of satisfactory completion of the General Education Development Test (GED) may be permitted to take an examination without regard to the certificate of graduation from a standard four-year high school.

4.20-A Written Examinations

A written examination may be either computerized or traditional pencil-paper and may include all or part of the following: An objective type examination designed to test the applicant's familiarity with information and material which could reasonably be expected of applicants for the position; standard intelligence tests; standard aptitude tests; and an essay on one or more subjects dealing with problems encountered within the classification.

4.30-A Written Examinations (traditional pencil-paper)

Written examinations must be administered to all applicants on the date advertised and shall be commenced by requiring each applicant to fill out and sign an identification sheet containing his/her examination number as shown on the examination form and answer sheets and such other information as the Commission may require. This identity of the person taking the test shall be concealed from the examiners by the use of the identification number on his/her examination form and answer sheet. Each paper submitted by the applicant shall bear the same identification number from the beginning of the examination until the papers have been graded. The blank envelopes of the examinees containing the identification numbers shall remain unopened until all of the examination papers have

been graded. The Commission may require for any examination a thumb print and/or signature on either or both the examination form and the answer sheet; such thumb print and/or signature shall be the same thumb print and/or signature as may be required and contained on the application form.

4.301-A Written Examination (computerized)

Computerized examinations may be available to applicants on one or more dates and times within the testing period which shall be stated in the testing announcement. Tests may be conducted and managed by consultants or special examiners designated by the Commission and subject to any requirements by the Commission including, but not limited to, requirements relating to verification of the identity of applicants and tests security.

6.10 Notice of Vacancy

Before any position in the classified service shall be filled, the appointing authority shall make a written request of the Commission for the certification of the names of eligibles for such position and shall state whether the employment is to be permanent or temporary, and if temporary, the duration and conditions of employment. Upon receipt of such request, the Commission shall certify to the appointing authority the names and addresses of the ten (10) persons standing highest on the eligible list.

This section does not supersede any collective bargaining agreements.

If there is more than one position to be filled, the number of names to be certified shall be determined by taking the next higher multiple of four above the number of vacancies, dividing it by two and adding the quotient to the number of vacancies except where the number of vacancies is itself a multiple of four (4) in which case the number of vacancies is divided by two (2) and the quotient added to the number of vacancies.

Nothing herein contained shall be so construed to prevent the Commission from certifying a larger number of eligibles if, in the opinion of the Commission, such action would be in the best interest of the service. However, when there is no eligible list for the exact position to be filled the Commission may certify eligibles from the eligible list most nearly appropriate to the position to be filled.

6.20 Certification of Eligibles

No person shall be certified from an eligible list more than four (4) times to the same appointing authority for a classification, except at the request of the appointing authority provided, however, that no such person shall be certified when to do so operates to prejudice the rights of other eligibles ranking higher on the eligible list.

Whenever one or more eligibles that have been certified waive certification or fail to respond to notice of certification, the certification on which their names appear shall be supplemented by an equal number of additional names. No request for certification of eligibles or additional names to supplement existing

certifications shall be honored by the Commission after the expiration of such eligible list.

6.50 Character of Appointments

In accordance with Section 128, 131, 131-1 and 133 of the Charter, all appointments to positions in the classified service of the City of Cleveland shall be deemed to be either regular or temporary in character. Regular appointments shall be any appointment made from an eligible list created as a result of an open competitive or non-competitive test or as a result of examination for labor class position. An appointment shall be deemed to be a promotional when made from any promotional eligible list and involving advancement in rank or an increase in salary, or both.

Temporary appointments shall include appointments occasioned by emergencies and limited to thirty (30) calendar days and appointments for transitory work not exceeding ninety (90) calendar days and not renewable. Temporary appointments shall include appointments made without test, in the absence of an eligible list, appointments occasioned by emergencies and limited to thirty (30) calendar days and appointments for transitory work not exceeding ninety (90) calendar days and not renewable.

6.70 Temporary Appointments

In all temporary appointments and notices to the Commission thereof, such appointing authority shall carefully designate which of the three following classes of temporary appointments is being made and the nature of the work to be performed thereunder:

A. Pending Establishment of Eligible List:

In the absence of an appropriate eligible list, any place in the classified service may be filled temporarily, without test, but no such temporary appointment shall continue after the establishment of a suitable eligible list, provided, however that the Commission reserves the right to review the qualifications of any such temporary appointee if he/she is found lacking in qualifications.

B. Transitory:

With the consent of the Commission, persons may be temporarily employed for transitory work whenever an appointing authority requires temporary assistance because of a special project or temporary increase in the work load, due to seasonal requirements or otherwise. In making such transitory appointments, the appointing authority shall first employ persons, in the appropriate classification based on seniority, who are then on layoff in that classification, or if no layoff list exists, then from an appropriate existing eligible list for such classification, before employing a person not on layoff or an existing eligible list, but no such employment shall continue for more than ninety (90) calendar days or be renewed.

C. Emergency:

When an emergency arises, such that in order to prevent the loss of

public property, serious inconvenience to the public, or damaging delay to the public service, and one or more persons must be employed without the delay incident to regular certification and appointment, an appointing authority may, without consulting the Commission, appoint a qualified person or persons during the period of emergency but in no case for a period exceeding thirty (30) calendar days. Emergency appointments with the reasons therefore, shall be immediately reported to the Commission which reserves the right to inquire into the nature of the emergency and to reject such appointments if it is found not to be an emergency and in no case shall successive appointments follow directly upon one another without the express approval of the Commission.

6.80 Probationary Period

The probationary period provided by Section 131 of the Charter of the City of Cleveland is hereby fixed at one hundred and twenty (120) calendar days from the effective date of regular appointment, provided:

A. That the Commission may, where the good of the service requires, fix the duration of the probationary period for individual classifications at six (6) calendar months, but such action must be taken at the time the examination for such classification is announced.

B. That where there is a variance between the effective date of regular appointment and subsequent "On Payroll Date" notice, the later date will prevail and take precedence over the former, the necessary calendar days of probation shall begin from the "On Payroll Date" notice.

C. Employees will be continuously evaluated and subject to probationary termination at any time if their performance does not merit continued employment.

D. If retained after the one hundred and twenty (120) day probationary period, all employees, including both regular and temporary, shall be discharged only for cause, or subject to layoff in accordance with Civil Service Rules. Only one probationary period shall be served for an employee's current classification unless the employee is transferred or appointed to another division or governmental unit.

E. Notwithstanding the provisions of Rule 6.80-D the Commission may, for good cause shown, extend an employee's initial one hundred and twenty (120) calendar day probationary period for an additional period not to exceed sixty (60) calendar days where such extension is necessary for adequate evaluation of that employee's performance.

8.25 Layoff of Temporary Appointees

The names of temporary appointees, excluding:

- A. Emergency, thirty (30) day employees
- B. Transitory, ninety (90) day employees
- C. Part-time employees
- D. Seasonal employees

when laid off, will be placed on a Divisional layoff list of temporary appointees.

9.21 Notice of Suspension for Three (3) Scheduled Work Days or Less

When, after following the procedures set forth in Rule 9.20 an appointing authority decides to suspend the officer or employee for purposes of discipline for a period of three (3) scheduled work days or less at any one time, the appointing authority shall promptly notify the officer or employee in writing of the suspension. Said notice shall include the reason(s) for the suspension and the duration hereof. At the same time such written notice is delivered to the suspended officer or employee by the appointing authority, a duplicate copy thereof shall be sent to the Civil Service Commission. The Commission will entertain no appeal from a suspension of three (3) work days or less. Successive suspensions are not permitted.

9.22 Notice of Suspension for More Than Three (3) Scheduled Work Days, Discharge, or Reduction in Rank

When, after following the procedures set forth in Rule 9.20, an appointing authority decides that the officer or employee is to be discharged, suspended pending discharge, suspended for more than three (3) scheduled work days, or reduced in rank or compensation, the appointing authority shall promptly notify said officer or employee in writing of such decision, setting forth the charges and the specifications therefore. The charging letter shall further inform the officer or employee that he/she must advise the Civil Service Commission if he/she desires to have a disciplinary hearing before a referee to be selected by the Commission, and that the Commission must receive such request for a hearing in writing within ten (10) working days of the date of the charging letter. At the same time such written notice is delivered to the officer or employee, a duplicate copy thereof shall be sent to the Civil Service Commission. Failure to request a hearing within the required ten (10) working days will cause such charges to stand uncontested, and in such cases the Commission shall submit the uncontested charging letter to the Director of the employee's department for review.

TABLE OF CONTENTS RULE 10.00

THE GENERAL LABOR CLASS

10.80 Minimum Qualifications

The ability to comprehend and perform the duties related to job performance shall be regarded as minimum entrance qualifications for all classifications in the general labor class. Citizenship per Rule 3.44 shall be maintained for all classifications in the general labor class.

13.10 Meetings

The regular meetings of the Commission shall be held on the second and fourth Friday of the month at 8:30 a.m. in an assigned room in City Hall unless changed by order of the Commission. Special meetings may

be called at the discretion of the President of the Commission at a time and place designated by him/her.

The following terms in the Glossary are added or amended:

CLASSIFIED SERVICE: Comprised of all positions in the Civil Service, not specifically included by Charter provision in the Unclassified Service. The Classified Service is divided into three classes: the Competitive Class, the Non-Competitive Class, and the General Labor Class.

ELIGIBLE LIST: A list of names of persons found qualified by appropriate tests and ranked according to their scores; and/or

A list of names compiled in order of registration of general laborers; and/or

A list of those persons who have Civil Service status through layoff, reinstatement, reclassification of positions, or consolidation or abolishment of a class of positions.

HEARING: Evidentiary procedures before the appropriate hearing officer (attorney) when an employee or officer has been suspended pending discharge, or suspended for more than three (3) scheduled work days, or reduced in rank or compensation by the Appointing Authority or by one lawfully designated to act in the absence of the authorized officers.

NOTICE: Whenever any notice is required to be given or issued by the Commission under these Rules, such notice may be given by placing it in the US Mail or by sending it electronically by email, in either case in a manner consistent with the normal practices of the Commission. Notices will be sent to applicants based upon the most recent contact information provided by the applicant, and shall be deemed valid even if returned as undeliverable. Any reference to time periods following the issuance or mailing of a notice shall refer to the day on which any such notice was mailed or sent regardless of the method of notice utilized. Nothing in this definition shall modify any provision of the Rules which specifically require that notices are to be sent by U.S. Mail or personally served

PROBATIONARY PERIOD: That period of time, not to exceed six months, which is an ongoing and integral part of the examination process, during which the employee demonstrates his/her ability to actually perform the duties of his/her position on the job. All employees certified from competitive, non-competitive, promotional, or general labor eligible lists must serve a probationary period. No appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his/her probationary period.

REGISTRANT: An applicant for the examination for the general labor classifications which are Custodial Worker, Garageman, Hostler, Municipal Service Laborer, Waste

Collector, Watchman, and other classifications as may be added by a majority vote of the Commission.

REGULAR (OR LEGAL) APPOINTMENT: Shall be either Original or Promotional.

A. Original Appointment: Any appointment made from an eligible list, created as a result of either a competitive or non-competitive entrance examination, or by the registration of the general labor class.

B. Promotional Appointment: Any appointment shall be deemed to be promotional when made from any promotional eligible list and which involves either advancement in rank and/or increase in salary beyond the fixed grade limit for a classification or both.

WAIVER:

A. In Certification:
That voluntary act of an eligible, wherein the eligible asks, in writing to the Civil Service Commission, to be by-passed for the position to which the eligible was certified. (See Rule No. 6.30)

B. In Examination:
A Registrant (one who has registered for an examination in the General Labor Class) within the defined period as set forth in the Rules of the Civil Service Commission, may, in writing state his/her inability to report for the examination on the specific date, due to illness or absence from the city. (See Rule No. 10.40)

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 15, 2016

9:30 A.M.

Calendar No. 16-164: 700 Prospect Avenue (Ward 3)

U.C.C., owner, proposes to install a 48' x 18' banner sign in an E5 General Retail Business District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 350.10(a) which states that Billboards shall not be permitted in Cleveland Landmark Districts, Public Land Protective Districts or Business Revitalization Districts. The Proposed Location is in a designated Business Revitalization District (Design Review District)

2. Section 350.161(e) which states that no more than six wall murals, exclusive of legal nonconforming wall murals or wall signs, may be displayed simultaneously within the Central Business District. Six wall murals are already being displayed in the Central Business District.

3. Section 350.16 which states that for permit applications within Landmark Districts, Public Land protective Districts or Business Revitalization Districts, the Landmark Commission or City Planning Commission, may authorize the Commissioner of Building and Housing to issue a permit which requires adherence to standards which are either

less strict or more strict than the standards otherwise required by this chapter, if such action by the applicable Commission is in accordance with the following standards:

(a) Regulations of this chapter may be varied only if such variation will result in signage which is better suited to the design of the subject property of nearby properties of architectural or historic significance.

(b) Any variation from the regulations of this chapter shall be approved only in accordance with applicable design guidelines adopted by City Council or adopted by the applicable Commission pursuant to an ordinance of City Council.

(c) Any variation from the regulations of the chapter shall be the minimum necessary to ensure design compatibility.

(d) In the record of its proceedings, the applicable Commission shall specifically identify any regulation of this chapter which is not met by an approved application and shall explain the necessity for granting such variation from the regulations.

(e) An application which fails to meet any regulation of this chapter shall be approved only by direct action of the applicable Commission. The administrative approval provision of division (f) of Section 303.07 shall not be applicable in such cases.

4. Note: The City Planning Commission has denied the subject permit application. (Filed June 28, 2016)

Calendar No. 16-166: 8105 Whitethorn Avenue (Ward 7)

Deborah Gordon, owner, proposes to change her existing two family residence into a three family residence in a B1 Two-Family Residential District. The owner appeals for relief from sections 337.03(c) 1 through 5 of the Cleveland Codified Ordinances which states that the Board of Zoning Appeals, after public notice and public hearing, and upon prescribing proper safeguards to preserve the character of the neighborhood, may grant special permits for the remodeling of existing dwelling houses or the erection of row houses to provide for more than two (2) dwelling units but not more than six dwelling units in each building provided that:

(1) The square footage of the lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355;

(2) The dwelling units to be created will be not smaller than two (2) rooms and a bathroom;

(3) There will be no exterior evidence than a remodeled dwelling house is occupied by more than two (2) families, excepts such as may be permitted by the Board;

(4) The building when altered or erected and when occupied will conform to all the applicable provisions of the Building and Housing Codes and as the Commissioner of Building and the Commissioner of Housing so certify;

(5) Garage space or hard surfaced and drained parking space will be provided upon the premises for the cars of the families to be accommodated on the premises at the rate of not less than one (1) car per family. (Filed June 28, 2016)

Calendar No. 16-167: 6505 Lansing Avenue (Ward 12)

Polish American Cultural Center proposes to erect a 1293 square foot addition in a B1 Two-Family Residential District. The owner appeals for relief from Section 357.09(b)(2)(C) of the Cleveland Codified Ordinances which states that a 6.75 interior side yard is required which is 1/4 of height of building and a 3.5' interior side yard is proposed. (Filed July 1, 2016)

Calendar No. 16-168: 2232 West 11th Street (Ward 3)

Microhouse Cleveland, owner, proposes to construct a paved parking area in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application of section 349.05(a) of the Cleveland Codified Ordinances which states that no parking space shall be located within 10' of any wall of a residential building or structure. (Filed July 5, 2016)

Calendar No. 16-171: 4502 Clinton Ave. (Ward 3)

Jim Curley and Mike Kane, owners, propose to change use of existing two family residence into a single family residence and construct an attached 17' x 22' 1 story frame flat roof garage. The owners appeal for relief from section 357.08(b)(1) of the Cleveland Codified Ordinances which states that the required rear yard is 32' and 4' are proposed. (Filed July 7, 2016)

POSTPONED FROM JULY 11, 2016

Calendar No. 16-076: Appeal from Decision of Landmarks Commission (Ward 3)

Kathleen Thomas 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 March 24, 2016 regarding landscaping and parking lot improvements at 1911 West 30th Street in Case 15-009 and 15-010. (Filed April 22, 2016 - No Testimony)

First postponement made at the request of the appellant due to a scheduling conflict. Second postponement made at the request of the appellant to give time to review legal objection.

POSTPONED FROM JUNE 13, 2016

Calendar No. 16-084: Appeal from Violation Notice at 589 East 185th Street (Ward 8)

Curtis A. Hart, 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 from a Notice of Violation Number V16013046 issued on April 15, 2016 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02 (C) of the Cleveland Codified Ordinances which states that there shall be no change or substitution of use until a Certificate of Occupancy has been issued. The citation states that the owner is using the facility for auto repair which is contrary to the Certificate of Occupancy (CO13033055) which states that the permitted use

is car washing and detailing. (Filed May 5, 2016 - No Testimony)

First postponement made at the request of the appellant due to a personal emergency.

POSTPONED FROM JUNE 27, 2016

Calendar No. 16-117: 4533 Warner Road (Ward 2)

Rightway Investments, owner, proposes to establish use as Motor Vehicle Facility in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.019(b) which states that Motor Vehicle Facility is not a permitted use in a Local Retail Business District but first permitted in a General Retail Business District.

2. Section 357.01(d) which states that a ten foot specific setback from Warner Road is required. Parking or display of vehicles is not a permitted front yard encroachment per Section 357.13.

3. Section 349.04(f) which states that a minimum of 25% of the gross lot area must be designated for customer parking.

4. Sections 352.08 through 352.12 which state that a ten foot wide landscaped transition strip providing 75% year round opacity is required at the rear where the lot adjoins a residence district. A four foot wide landscaped frontage strip is required where lot abuts Warner Road and Rosewood Avenue. A landscaped plan is required. (Filed May 16, 2016 - Testimony Taken)

Postponed at the request of the appellant to allow for time to meet with the Councilman.

POSTPONED FROM JULY 5, 2016

Calendar No. 16-127: 3615 Superior Avenue (Ward 7)

Tylerville, LLC., owner, proposes to erect three (3) single faced non-illuminated signs in a B3 General Industry District. The dimensions of the signs are approximately 1' x 10' - 10", 2' x 16' - 6" and 2' - 7" x 8' - 7". The owner appeals for relief from Section 350.20(a & b) which state that the maximum square feet of wall signage allowed for non-ground floor uses is 12 square feet and the appellant is proposing 72 square feet. (Filed May 19, 2016 - Testimony Taken)

First postponement made at the request of the Board in order to allow for time for the appellant to meet with City Planning.

POSTPONED FROM AUGUST 1, 2016

Calendar No. 16-158: 1811 Brevier Avenue (Ward 3)

Stephen Duirk, owner, proposes erect an 18' x 25' one story frame reverse gable accessory garage attached to existing single family residence in a C1 Multi-Family Residential District. The owner appeals for relief from Section 357.09(2)(C) which states that the minimum required interior side yard shall not be less than 8 feet and the proposed building is 2 feet from the property line and gutters are 1 foot from property line. (Filed June 17, 2016 - No Testimony)

First postponement made at the request of the Councilman to allow for time for the case to be reviewed by the Development Corp. and the Block Club.

THE FOLLOWING 7 CASES WERE POSTPONED FROM JUNE 13, 2016:

Calendar No. 16-105: 4801 Bridge Avenue (Unit A) (Ward 3)

4201 Bridge LLC., owner, proposes to construct a fee simple townhouse (Unit A out of six units) in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the minimum lot area per house required is 4,800 square feet and 1,250 square feet are proposed.

2. Section 355.04 which states minimum lot width allowed is 40' and 25' are proposed.

3. Section 357.08(b)(1) which states that the rear yard shall not be less than height of building or in this case 44' are required and 5' are proposed.

4. 357.09(b)(2)(B) In two family interior side yard shall be 1/4 height of main building (11') and per 357.09(b)(2)(1) no building shall be erected less than 20' from a main building on an adjoining lot within such district. A 5' side street yard is proposed.

5. Section 353.02 which states that the Height District "1" permits a 35 foot maximum height and a 44' - 8" high house is proposed.

6. Section 355.04 which states that the Maximum gross floor area of building cannot exceed 1/2 lot area or in this case 625 square feet and 780 square feet are proposed.

7. Section 337.17 which states that an unobstructed driveway width of at least 30' is required to provide accessibility to each parking garage; a common access to the garages shown, no separate access to each garage provided. (Filed May 12, 2016)

Calendar No. 16-106: 1914 West 48th Street (Unit C) (Ward 3)

4201 Bridge LLC., owner, proposes to construct a fee simple townhouse (Unit C out of six units) in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the minimum lot area per house required is 4,800 square feet and 900 square feet are proposed.

2. Section 355.04 which states minimum lot width allowed is 40' and 30' are proposed.

3. Section 357.08(b)(1) which states that the rear yard shall not be less than height of building or in this case 44' are required and 0' are proposed.

4. 357.09(b)(2)(B) In two family interior side yard shall be 1/4 height of main building (11') and per 357.09(b)(2)(1) no building shall be erected less than 20' from a main building on an adjoining lot within such district. No interior side yard is proposed.

5. Section 353.02 which states that the Height District "1" permits a 35

foot maximum height and a 44' - 8" high house is proposed.

6. Section 355.04 which states that the Maximum gross floor area of building cannot exceed 1/2 lot area or in this case 442.5 square feet and 900 square feet are proposed.

7. Section 337.17 which states that an unobstructed driveway width of at least 30' is required to provide accessibility to each parking garage; a common access to the garages shown, no separate access to each garage provided. (Filed May 12, 2016)

Calendar No. 16-107: 1912 West 48th Street (Unit B) (Ward 3)

4201 Bridge LLC., owner, proposes to construct a fee simple townhouse (Unit C out of six units) in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the minimum lot area per house required is 4,800 square feet and 900 square feet are proposed.

2. Section 355.04 which states minimum lot width allowed is 40' and 30' are proposed.

3. Section 357.08(b)(1) which states that the rear yard shall not be less than height of building or in this case 44' are required and 0' are proposed.

4. 357.09(b)(2)(B) In two family interior side yard shall be 1/4 height of main building (11') and per 357.09(b)(2)(1) no building shall be erected less than 20' from a main building on an adjoining lot within such district. No interior side yard is proposed.

5. Section 353.02 which states that the Height District "1" permits a 35 foot maximum height and a 44' - 8" high house is proposed.

6. Section 355.04 which states that the Maximum gross floor area of building cannot exceed 1/2 lot area or in this case 442.5 square feet and 900 square feet are proposed.

7. Section 337.17 which states that an unobstructed driveway width of at least 30' is required to provide accessibility to each parking garage; a common access to the garages shown, no separate access to each garage provided. (Filed May 12, 2016)

Calendar No. 16-108: 1916 West 48th Street (Unit D) (Ward 3)

4201 Bridge LLC., owner, proposes to construct a fee simple townhouse (Unit D out of six units) in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the minimum lot area per house required is 4,800 square feet and 930 square feet are proposed.

2. Section 355.04 which states minimum lot width allowed is 40' and 30' are proposed.

3. Section 357.08(b)(1) which states that the rear yard shall not be less than height of building or in this case 44' are required and 0' are proposed.

4. 357.09(b)(2)(B) In two family interior side yard shall be 1/4 height of main building (11') and per 357.09(b)(2)(1) no building shall be erected less than 20' from a main

building on an adjoining lot within such district. No interior side yard is proposed.

5. Section 353.02 which states that the Height District "1" permits a 35 foot maximum height and a 44' - 8" high house is proposed.

6. Section 355.04 which states that the Maximum gross floor area of building cannot exceed 1/2 lot area or in this case 457.5 square feet and 900 square feet are proposed.

7. Section 337.17 which states that an unobstructed driveway width of at least 30' is required to provide accessibility to each parking garage; a common access to the garages shown, no separate access to each garage provided. (Filed May 12, 2016)

Calendar No. 16-109: 1918 West 48th Street (Unit E) (Ward 3)

4201 Bridge LLC., owner, proposes to construct a fee simple townhouse (Unit E out of six units) in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the minimum lot area per house required is 4,800 square feet and 1100 square feet are proposed.

2. Section 355.04 which states minimum lot width allowed is 40' and 22' are proposed.

3. Section 357.08(b)(1) which states that the rear yard shall not be less than height of building or in this case 44' are required and 0' are proposed.

4. 357.09(b)(2)(B) In two family interior side yard shall be 1/4 height of main building (11') and per 357.09(b)(2)(1) no building shall be erected less than 20' from a main building on an adjoining lot within such district. A 6' aggregate interior side yard is proposed.

5. Section 353.02 which states that the Height District "1" permits a 35 foot maximum height and a 44' high house is proposed.

6. Section 355.04 which states that the Maximum gross floor area of building cannot exceed 1/2 lot area or in this case 550 square feet and 704 square feet are proposed.

7. Section 337.17 which states that an unobstructed driveway width of at least 30' is required to provide accessibility to each parking garage; a common access to the garages shown, no separate access to each garage provided.

8. Section 357.15 which states that in any use district a rear residential building may be erected if required front, rear and side yards are provided and the distance between such buildings is not less than 40' and if free and unobstructed entranceway is provided for access from the street to the rear building. (Filed May 12, 2016)

Calendar No. 16-110: 1920 West 48th Street (Unit F) (Ward 3)

4201 Bridge LLC., owner, proposes to construct a fee simple townhouse (Unit F out of six units) in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the minimum lot area per house

required is 4,800 square feet and 1,100 square feet are proposed.

2. Section 355.04 which states minimum lot width allowed is 40' and 22' are proposed.

3. Section 357.08(b)(1) which states that the rear yard shall not be less than height of building or in this case 44' are required and 0' are proposed.

4. 357.09(b)(2)(B) In two family interior side yard shall be 1/4 height of main building (11') and per 357.09(b)(2)(1) no building shall be erected less than 20' from a main building on an adjoining lot within such district. A 6' aggregate interior side yard is proposed.

5. Section 353.02 which states that the Height District "1" permits a 35 foot maximum height and a 44' high house is proposed.

6. Section 355.04 which states that the Maximum gross floor area of building cannot exceed 1/2 lot area or in this case 550 square feet and 704 square feet are proposed.

7. Section 337.17 which states that an unobstructed driveway width of at least 30' is required to provide accessibility to each parking garage; a common access to the garages shown, no separate access to each garage provided.

8. Section 357.15 which states that in any use district a rear residential building may be erected if required front, rear and side yards are provided and the distance between such buildings is not less than 40' and if free and unobstructed entranceway is provided for access from the street to the rear building. (Filed May 12, 2016)

Calendar No. 16-111: 1912-1920 West 48th Street (Common Drive - Lot G) (Ward 3)

4801 Bridge LLC, owner, proposes to construct a common drive for a six townhouse development (units numbers A through F) on Bridge Avenue and West 48th Street in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that Accessory off street driveways and maneuvering area shall be properly graded for drainage so that all water is drained within the lot providing such area surfaced with concrete, asphaltic concrete, asphalt or other similar surfacing materials approved by the Director of Building and Housing, maintained in good condition and free of debris and trash.

2. Section 337.03 which states that the primary and sole use of property in a Two Family District as an access driveway is not permitted. (Filed May 12, 2016 - No Testimony)

First postponement made at the request of the appellant due to a personal emergency.

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, AUGUST 1, 2016

At the meeting of the Board of Zoning Appeals on Monday, August 1, 2016 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 16-74: 1000 Harvard Avenue

Harshaw Chemical, owner, proposes to install a 10 foot high chain link fence in an A3 Unrestricted Industry.

Calendar No. 16-112: 2072 West 40th Place

B.R. Knez Construction, owner, proposes to erect a 20' x47' two story frame single family residence with detached 20' x 20' 1 story frame garage in a B1 Two-Family Residential District.

Calendar No. 16-120: 1958 & 1960 East 123rd Street

1960 LLC, owner, proposes to add 4 new townhouses to existing industrial structure on one lot, in a C1 Multi-Family Zoning District. The Board of Zoning Appeals granted 3 units instead of 4.

The following appeals were **DENIED:**

Violation Notice

Calendar No. 16-146: 1604 Euclid Avenue.

Playhouse Square Foundation, owner, and ABM, operator, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation Number V16015957 issued on May 6, 2016.

Calendar No. 16-150: 3847 West 140th Street

Bellaire Puritas Development Corporation, owner, proposes to change use from coffee shop to after school program/community center (assembly hall) in a C1 Local Retail Zoning District.

Calendar No. 16-159: Entertainment Venue Denial Appeal

Edward Stokes 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 to dispute the decision of the Commissioner of Assessments and Licenses to deny the Entertainment Venue Application.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

Calendar No. 16-070: Omens LLC. 9033 Holton Avenue. Postponed to September 26, 2016.

Calendar No. 16-97 through 16-104: Clinton Ct. Townhomes 4503-4511 Wheat Court and 4504-4508 Clinton Avenue. Postponed to September 19, 2016.

Calendar No. 16-140: Badran LLC 12710 Miles Avenue. Postponed to September 6, 2016.

Calendar No. 16-158: Stephen Duirk 1811 Brevier Avenue. Postponed to August 15, 2016.

The following cases were heard by the Board of Zoning Appeals on Monday, July 25, 2016 and the decisions were adopted and approved on Monday, August 1, 2016:

The following appeals were **APPROVED:**

Calendar No. 16-139: 1932 East 124th Place

Consolo Development, owner, proposes to erect a 61' x 59' three story frame L shaped two family residence in a C1 Multi-Family Residential District.

Calendar No. 16-148: 1871 West 47th Street

B.R. Knez proposes to erect a 20' x 45' two story frame single family residence with detached 20' x 20' one story frame detached garage in a B1 Two-Family Residential District.

Calendar No. 16-154: 2812 York Avenue

B.R. Knez, owner, proposes to erect a 18' x 52' two story frame single family residence with attached 20' x 20' garage in a B1 Two-Family Residential District

Calendar No. 16-156: 2816 York Avenue

B.R. Knez proposes to erect a 20' x 48' two story frame single family residence with attached 20' x 20' garage in a B1 Two-Family Residential District on a City of Cleveland Land Bank parcel.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of July 27, 2016

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

* * *

Docket A-98-16.

RE: Appeal of Nathan A. Prusak, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 3466 West 56th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE & FIRE DAMAGE — GARAGE, dated May 6, 2016 of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until August 8, 2016 to clean up the yard, and to complete abatement of the violations by complying with the requirements of the permits, noting that any additional time will be at the discretion of the

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

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

* * *

Docket A-99-16.

RE: Appeal of Cleveland Harris, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 6808 Bonna Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated April 20, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional time, and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that the Appellant nor a representative for the Appellant was present for this hearing. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-100-16.

RE: Appeal of Java Property Group, Ltd., Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property, located on the premises known as 4284 Brookside Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated April 11, 2016 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-100-16 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-101-16.

RE: Appeal of Christine Kis, Owner of the One Dwelling Unit Single-Family Residence Two Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 18914 Puritas Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated April 21, 2016, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 1, 2016 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. Maschke.

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

* * *

Docket A-102-16.

RE: Appeal of Thor Real Estate, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 10004 Cumberland Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 25, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional time, and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that the Appellant nor a representative for the Appellant was present for this hearing and that the property is reported to be in a distressed condition. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-103-16.

RE: Appeal of Carla Robinson, Owner of the Three Dwelling Units Three-Family Residence Two Story Frame Property, located on the premises known as 1142 East 66th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated April 6, 2016 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 to the Department of Building and Housing for supervision and any required further action, noting that the Appellant has a permit and will be given additional time at the discretion of the Building Department. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-104-16.

RE: Appeal of Robert Watson, Owner of the One Dwelling Unit Single-Family Residence Two Story Garage - Detached Property, located on the premises known as 16408 Laverne Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated April 7, 2016 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 September 1, 2016 to apply for all required permits for 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. 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-105-16.

RE: Appeal of Joseph Henderson, Owner of the Residential Property, located on the premises known as 11114 Berkshire Avenue from a LIMITATION ON THE PERMITS, dated May 2, 2016 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 to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-106-16.

RE: Appeal of Paul Bunn, Owner of the Two Dwelling Units Two-Family Residence Three Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 2043 West 101st Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 13, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 1, 2016 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. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-107-16.

RE: Appeal of Jezeel Acosta, Owner of the Three Dwelling Units Three-Family Residence Two & One-half Story Frame Property, located on the premises known as 3434 West 54th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated May 13, 2016, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional time, noting that the Appellant was not present for this hearing and that the property is reportedly in worse shape; 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-108-16.

RE: Appeal of 2015 West 53rd Cleveland LLC, Owner of the Property, located on the premises known as 5231 Lorain Avenue (Aka 2015 West 53rd Street & 5221 Lorain Avenue) from a CEASE USE ORDER & NOTICE OF VIOLATION — FIRE CODE, dated May 19, 2016, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require that the items requested by the Fire Prevention Bureau be submitted by August 15, 2016, and the completion of that list be completed by September 1, 2016, and that any additional time for the operation of the building is at the discretion of the Fire Prevention Bureau. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-110-16.

RE: Appeal of Georgianna B. White, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 14101 Rexwood Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated May 4, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 1, 2016 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. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-142-16.

RE: Appeal of Medici Properties LLC, Owner of the Property, located on the premises known as 6419 Detroit Avenue from an ADJUDICATION ORDER, dated June 1, 2016 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, noting that there is a two-hour separation between the first and second floors, and a two-hour separation enclosed around the exit, and that smoke detection and pull stations will be added; noting that the occupant load of 48 is well below the occupant requirement of 100. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Bradley, Nays: None. Not Voting: Mr. Maschke. Absent: Mr. Saab.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Maschke 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-70-16 — Erievue Tower & Parking LLC
- A-72-16 — David Phillips
- A-74-16 — John Terwilliger
- A-82-16 — Jeffery Ivey
- A-89-16 — Mt. Hebron Baptist Church
- A-90-16 — Daniel B. Rydzinski
- A-91-16 — Mountainside Realty Ventures, LLC
- A-92-16 — Lakeside REO Ventures, LLC
- A-94-16 — Secretary of Housing & Urban Dev.
- A-95-16 — Northeast Shore Development Corp.
- A-96-16 — Courtney E. Redic
- A-97-16 — Cuyahoga County

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

* * *

APPROVAL OF MINUTES:

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

July 13, 2016

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."

FRIDAY, AUGUST 19, 2016

File No. 85-16 — Booster Pumps, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1475-15, passed by the Council of the City of Cleveland, December 7, 2015.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, AUGUST 11, 2016 AT 11:30 A.M. LOCATED AT CLEVELAND CITY HALL, ROOM 18, DIVISION OF FINANCIAL REPORTING AND CONTROL, 601 LAKESIDE AVENUE, CLEVELAND, OH 44114.

File No. 86-16 — Breathing Air Compressors, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1475-15, passed by the Council of the City of Cleveland, December 7, 2015.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, AUGUST 11, 2016 AT 10:30 A.M. LOCATED AT CLEVELAND CITY HALL, ROOM 18, DIVISION OF FINANCIAL REPORTING AND CONTROL, 601

LAKESIDE AVENUE, CLEVELAND, OH 44114.

File No. 87-16 — Fireboat Celebrezze Repairs, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 641-15, passed by the Council of the City of Cleveland, June 8, 2015.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, AUGUST 11, 2016 AT 11:00 A.M. LOCATED AT CLEVELAND CITY HALL, ROOM 18, DIVISION OF FINANCIAL REPORTING AND CONTROL, 601 LAKESIDE AVENUE, CLEVELAND, OH 44114.

August 3, 2016 and August 10, 2016

WEDNESDAY, AUGUST 24, 2016

File No. 88-16 — Impett Park Concession Building and Overall Park Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 732-14, passed by the Council of the City of Cleveland, June 9, 2014.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$5000) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, AUGUST 11, 2016 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, THE DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OH 44114.

August 3, 2016 and August 10, 2016

FRIDAY, AUGUST 26, 2016

File No. 89-16 — New City of Cleveland Kennel, for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance No. 246-15, passed by the Council of the City of Cleveland, April 13, 2015.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED FIFTY DOLLARS (\$150.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, AUGUST 12, 2016 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, THE DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OH 44114.

August 3, 2016 and August 10, 2016

FRIDAY, SEPTEMBER 2, 2016

File No. 90-16 — Phase 2 AMR Deployment, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 655-16, passed by the Council of the City of Cleveland, July 13, 2016.

THERE IS NO FEE FOR PLANS AND SPECIFICATIONS FOR THIS PROJECT.

THERE WILL BE A PRE-BID MEETING, THURSDAY, AUGUST 11, 2016 AT 10:00 A.M. LOCATED AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, MAIN AUDITORIUM, CLEVELAND, OH 44114.

August 3, 2016 and August 10, 2016

ADOPTED RESOLUTIONS AND ORDINANCES

REPRINT

Ord. No. 1446-13. By Council Members Cimperman and Zone.

An emergency ordinance to amend Sections 667.01 and 663.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1260-08, passed November 30, 2009, Section 667.99 as amended by Ordinance No. 128-97, passed January 27, 1997, and Section 663.99 as amended by Ordinance No 133-64, passed May 17, 1965, to strengthen the unlawful discriminatory public accommodations practices and unlawful employment practices based on gender identity and expression, and to increase penalties.

Whereas, the City of Cleveland and employers should allow full access to facilities without qualification to all citizens and employees, including those denied access to bathrooms, showers, locker rooms or dressing facilities consistent with their gender identity or expression; 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 Sections 667.01 and 663.04 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1260-08, passed November 30, 2009, Section 667.99 as amended by Ordinance No. 128-97, passed January 27, 1997, and Section 663.99 as amended by Ordinance No 133-64, passed May 17, 1965, are amended as follows:

Section 667.01 Unlawful Discriminatory Public Accommodations Practices

It shall be an unlawful discriminatory practice in a place of public accommodation for any person who is the owner, operator, lessee, manager, administrator, servant, agent or employee of any place of public accommodation:

(a) To refuse, deny, segregate, discriminate or make a distinction, directly or indirectly, in offering its goods, services, facilities or accommodations to any person because of race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group, or Vietnam-era or disabled veteran status of such person;

(b) To refuse, deny, segregate, separate, discriminate, or make a distinction, directly or indirectly in any way, against any person in the full and equal use and enjoyment of the services, facilities, privileges, advantages or enforcement powers of the City, or any unit or office thereof, because of race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group, or Vietnam-era or disabled veteran status of such person;

(c) For any person, whether or not specifically prohibited from discriminating under any provisions of this section, to aid, abet, incite, compel, or coerce the doing of any act declared to be an unlawful discriminatory practice by this section, or to attempt to do so;

(d) To coerce, intimidate, threaten, retaliate against, or otherwise interfere with any person, or attempt to do so, because he or she has promoted the provisions of this section, or because he or she has filed a complaint, testified, or assisted in any proceeding, investigation or hearing authorized by Sections 667.011 through 667.013 or by appropriate state or federal law;

(e) Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes;

(f) Nothing in this section shall prohibit the establishment of programs or other public accommodations designed and operated for a particular age group. However, such public accommodations shall not discriminate on the basis of race, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnic group, or

Vietnam-era or disabled veteran status;

(g) Nothing in this section shall be construed to require the modification of existing facilities or the construction of new or additional facilities.

Section 663.04 Exemptions from Provisions

Exemptions from the requirements of this chapter shall be:

(a) Any employer of less than four (4) persons; nor shall members of the immediate family of an employer be included in determining the number of employees;

(b) Any religious organization or institute whose membership or service is limited to persons of a single religious faith;

(c) Any institution organized for educational purposes that is operated, supervised, or controlled by such a religious association, corporation, or society;

(d) Any private organization having a purely social or fraternal purpose;

(e) Any type of employment where religion, religious creed or nationality would usually and normally be considered an essential qualification of employment;

(f) Nothing in this section shall be construed to require the modification of existing facilities or the construction of new or additional facilities.

Section 667.99 Penalty

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree.

Section 663.99 Penalty

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree.

Section 2. That existing Sections 667.01 and 663.04 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1260-08, passed November 30, 2009, Section 667.99 as amended by Ordinance No. 128-97, passed January 27, 1997, and Section 663.99 as amended by Ordinance No 133-64, passed May 17, 1965, are repealed.

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

Passed July 13, 2016.

Effective July 22, 2016.

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NO MEETINGS

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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