

The City Record

Official Publication of the Council of the City of Cleveland



May the Seventeenth, Two Thousand and Seventeen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

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

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

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

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

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

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

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

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

Dan Williams, Media Relations Director

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director
DIVISIONS:

Architecture and Site Development – _____ Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – James DeRosa, Commissioner

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

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

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

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

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

Room 100

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

Natasha Brandt, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – James Hartley, Interim Treasurer, Room 115

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

Information Technology and Services – 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 Zoghbaib, Commissioner

DEPT. OF PORT CONTROL – Robert Kennedy, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Kim Johnson, Interim Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Samuel Gissentaner, Interim Commissioner

Streets – Frank D. Williams, Interim Commissioner

Traffic Engineering – Robert Mavec, Commissioner

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

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

DIVISIONS:

Air Quality – David Heame, Interim Commissioner

Environment – Brian Kimball, Commissioner, 75 Erieview Plaza

Health – Persis Sosiak, Commissioner, 75 Erieview Plaza

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

DIVISIONS:

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

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

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

Fire – Patrick Kelly, Chief, 1645 Superior Avenue

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

DEPT. OF COMMUNITY DEVELOPMENT – Michael Cosgrove, Director

DIVISIONS:

Administrative Services – 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 – 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, _____, Director, Mayor

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

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

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

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

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

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

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

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

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

FAIR HOUSING BOARD – 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.

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

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

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Pinkey S. Carr – Courtroom 15C

Judge Marilyn B. Cassidy – Courtroom 13A

Judge Janet Rath Colaluca – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 14C

Judge Emanuella Groves – Courtroom 14B

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

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Michael R. Sliwinski – Courtroom 13C

Judge Suzan Marie Sweeney – Courtroom 12C

Judge Joseph J. Zone – Courtroom 14D

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

The City Record

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Vol. 104

WEDNESDAY, MAY 17, 2017

No. 5397

CITY COUNCIL

MONDAY, MAY 15, 2017

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

The following Committees meet at the Call of the Chair:

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

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

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

Council President Kelley then declared a vacancy in the Ward 6 Council Member seat and opened the floor to nominations. Council Member Cleveland moved that Blaine A. Griffin be appointed Council Member, seconded by Council Member Pruitt. Council President Kelley asked if there were more nominations. Council Member Zone made the motion to close nominations. Council President Kelley instructed the Members of Council to state the name of their candidate for Council Member, Ward 6.

The Clerk of Council called the roll. Blaine A. Griffin received 16 votes. Those voting for Blaine A. Griffin: Council Members Brady, Brancatelli, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Kazy, Keane, Kelley, McCormack, Polensek, Pruitt, Reed and Zone.

Dr. C. Jay Matthews, Senior Pastor of Mount Sinai Ministries in Cleveland, Ohio, administered the oath of office to Blaine A. Griffin, the newly appointed Council Member, Ward 6. Councilman Griffin made brief remarks and the meeting resumed.

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL MAY 15, 2017

MONDAY — Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
May 15, 2017

The meeting of the Council was called to order at 7:03 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Dona Brady, Anthony Brancatelli, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, TJ Dow, Blaine A. Griffin, Jeffrey D. Johnson, Kenneth L. Johnson, Brian Kazy, Kevin J. Kelley, Martin J. Keane, Kerry McCormack, Michael D. Polensek, Terrell H. Pruitt, Zack Reed, and Matthew Zone.

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief Operating Officer Darrell Brown, Chief of Regional Development Edward W. Rybka, Chief of Education Monyka S. Price, Media Relations Director Dan Williams, Chief of Sustainability Matt Gray, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults Duane Deskins, and Directors Dumas, Davis, Kennedy, Spronz, Gordon, Cox, Cosgrove, Donald, West, Ebersole, Collier, McNamara, Burrows and Pierce Scott.

MOTION

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Senior Pastor Dr. C. Jay Matthews, Mount Sinai Ministries, Cleveland, Ohio (Ward 5). Pledge of Allegiance.

MOTION

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

APPOINTMENT OF COUNCIL MEMBER, WARD 6

Clerk Britt read the letter from Mamie J. Mitchell, retiring from her position as Council Member, Ward 6.

COMMUNICATIONS

File No. 629-17.

May 2, 2017

Kevin Kelley, Council President
Cleveland City Council
Cleveland, OH 44114

Dear Kevin:

Please accept this letter as my notice to step-down from Cleveland City Council immediately, due to personal reasons. As a Member in good standing, I would like to recommend to the Council, to appoint Blaine Griffin to the Ward 6 Council seat.

It has been a privilege and a pleasure to serve as a Member of Council, and I thank you for your support and the support of all of the Members of Council.

Sincerely,
Mamie J. Mitchell

OATHS OF OFFICE

File No. 618-17.

Debra Mitchell, Interim Assistant Director of Department of Public Utilities, City of Cleveland. Received.

File No. 631-17.

Blaine A. Griffin, Cleveland City Member for Ward 6. Received.

**FROM OHIO DIVISION OF
LIQUOR CONTROL**

File No. 619-17.

RE: #6069985. Transfer of Ownership Application, C1 C2. MKJ Corporation, 870 East 185th Street (Ward 8). Received.

File No. 620-17.

RE: #22348152225. New License Application, C2. Dolgen Midwest LLC, 16015 Lake Shore Boulevard (Ward 8). Received.

File No. 621-17.

RE: #5377774. Transfer of Ownership Application, C1. M Zayed LLC, 4189 Ridge Road (Ward 13). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 632-17 — Arlena LaBon.

Res. No. 633-17 — William Earl Jones II.

Res. No. 635-17 — Paul A. Granzi-er.

RECOGNITION RESOLUTION

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

Res. No. 634-17 — National Council of Negro Women, Inc., Cleveland Section.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 583-17.

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

An emergency ordinance authorizing the Director of Capital Projects and/or City Planning to enter into one or more agreements with the Northeast Ohio Regional Sewer District for a period up to fifty years for the loan of Steve Manka's "Water Tower" art piece, and allowing NEORS D to alter, install, and maintain the sculpture during the term of the loan.

Whereas, the City of Cleveland currently owns the sculpture "Water Tower" by artist, Steve Manka; and Whereas, the Northeast Ohio Regional Sewer District ("NEORS D") has indicated a desire to alter, install, and maintain the sculpture as part of one of its green infrastructure locations; and

Whereas, the NEORS D has engaged the artist, Steve Manka, for the services described above; and

Whereas, under Section 181.19, the Commissioner of Purchases and Supplies has declared the property surplus and no longer needed for the City's use; 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 Capital Projects and/or City Planning is authorized to enter into one or more agreements with the Northeast Ohio Regional Sewer District for the long-term loan of Steve Manka's "Water Tower" art piece. The agreement shall permit NEORS D to alter, or cause the sculpture to be altered, as shown in File

No. 583-17-A, and shall install, and maintain the sculpture during the loan period.

Section 2. That the term of the loan shall not exceed fifty (50) years.

Section 3. That the agreement or agreements shall be prepared by the Director of Law.

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

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

Ord. No. 584-17.

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

An emergency ordinance authorizing the Director of Capital Projects to apply for and accept gifts and grants from various public and private entities needed for the Circle Drive and East 116th Street extension improvement; authorizing the Director to enter into contracts and agreements to design and construct the improvements and other agreements needed to implement the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements necessary to make the improvements.

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

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

Section 1. That the Director of Capital Projects is authorized to apply for and accept gifts and grants from various public or private entities, to implement the construction of a new road to extend Circle Drive from Mayfield Road to East 116th Street and the rehabilitation of East 116th Street from the Circle Drive Extension to Euclid Avenue (the "Improvement"); that the Director of Capital Projects is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for implementation of the project.

Section 2. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for the Improvement.

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

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

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 4. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement and costs associated with implementing green infrastructure features to address combined sewer overflows. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 6. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with railroads, the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other public or private entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the Improvement described in this ordinance.

Section 7. That the Director of Capital Projects is authorized to accept right-of-entries from private property owners within the Improvement locations where access to private property is necessary to complete the proposed Improvements.

Section 8. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvements.

Section 9. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the Improvements. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

Section 10. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 11. That the Director of Capital Projects is authorized to apply for and accept any gift or grants from various private or public entities for the purposes of this ordinance. That the Director of Capital Projects is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in the ordinance.

Section 12. That the Director of Capital Projects is authorized to enter into any agreements needed to implement the Improvements, including but not limited to, multi-party agreements between the City and other governmental entities regarding the funding and construction of the Improvements, and other agreements needed to implement this ordinance.

Section 13. That the Director of Capital Projects is authorized to enter into one or more Local Project Administration agreements with the Ohio Department of Transportation to fund and construct any portion of the Improvements contained in this ordinance, and to enter into one or more contracts for the expenditures of grants or other funding to implement this ordinance with the lowest and best responsible bidder or engineer.

Section 14. That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the Improvement.

Section 15. That the costs of this ordinance shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, from the fund or funds to which are credited any proceeds from the sale of bonds authorized by Ordinance No. 413-17, passed April 24, 2017, the fund or funds to which are credited any gift, grant, or other funds received under this ordinance, from cash contributions accepted and appropriated under this ordinance, and any other funds approved by the Director of Finance. (RQS 0103, RLA 2017-12)

Section 16. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 585-17.

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

An emergency ordinance authorizing the Director of Capital Projects to apply for and accept gifts and grants from various public and private entities needed for the design of the Willow Lift Bridge preliminary access; authorizing the Director to enter into contracts and agreements to design the improvements and other agreements needed to implement the improvement; and authorizing the Commissioner of

Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements necessary to make the improvements.

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

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

Section 1. That the Director of Capital Projects is authorized to apply for and accept grants from various public or private entities, to implement the design of the Willow Lift Bridge preliminary access (the "Improvement"); that the Director of Capital Projects is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for implementation of the project.

Section 2. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for the Improvement.

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

Section 3. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvements and costs associated with implementing green infrastructure features to address combined sewer overflows. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 4. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with railroads, the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other public or private entities to obtain services or to acquire property rights such as easements and licenses, necessary to complete the Improvement described in this ordinance.

Section 5. That the Director of Capital Projects is authorized to accept right-of-entries from private property owners within the Improvement locations where access to private property is necessary to complete the proposed Improvement.

Section 6. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 7. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property and easements necessary for the Improvement. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

Section 8. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 9. That the Director of Capital Projects is authorized to apply for and accept any gift or grants from various private or public entities for the purposes of this ordinance. That Director of Capital Projects is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in the ordinance.

Section 10. That the Director of Capital Projects is authorized to enter into any agreements needed to implement the Improvement, including but not limited to, multi-party agreements between the City and other governmental entities regarding the funding, and other agreements needed to implement this ordinance.

Section 11. That the costs of this ordinance shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, from the fund or funds to which are credited any proceeds from the sale of bonds authorized by Ordinance No. 413-17, passed April 24, 2017, the fund or funds to which are credited any gift, grant, or other funds received under this ordinance, from cash contributions accepted and appropriated under this ordinance, and any other funds approved by the Director of Finance. (RQS 0103, RLA 2017-13)

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 586-17.

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation for the improvement of traffic flow and safety at the IR-480 and State Road interchange; and authorizing the Director of Capital Projects to enter into any relative agreements.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: Improve traffic flow and safety at the IR-480 and State Road (SR-94) interchange by adding a west-bound right-turn only lane to Brookpark Road (SR-17), lengthening the turn-slot storage on IR-480 west-bound exit to State Road, and State Road lane reconfiguration for better lane continuity between Brookpark Road and Burger Avenue / Ralph Avenue within the Cities of Cleveland and Parma, PID 102054 (the "Improvement").

Section 2. That the City gives its consent to the Improvement and its administration by the State, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That the City agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. That on completion of the Improvement, and unless otherwise agreed, the City will:

(a) Provide adequate maintenance for the Improvement in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.D., Section 116;

(b) Provide ample financial provisions, as necessary, for the maintenance of the Improvement;

(c) Maintain the right-of-way, keeping it free of obstructions; and

(d) Hold the right-of-way inviolate for public highway purposes.

Section 6. That this Council requests the State to proceed with the Improvement.

Section 7. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 587-17.
By Council Members Zone, McCormack, K. Johnson, Brancatelli and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for improving a portion of Detroit Avenue; to apply for and accept any gifts or grants from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; to employ one or more professional consultants to design the improvement; and causing payment of the City's share to the State for the cost of the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: repairing and resurfacing Detroit Avenue from West 78th Street to West 73rd Street and West 48th Street to West 52nd Street, including a portion of Lake Avenue from West 78th Street to Detroit Avenue, PID 104933 (the "Improvement").

Section 2. That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement. The share of the cost of the City is estimated in the amount of \$300,000, but the estimated amount is to be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the

planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. Utilities and Right-of-Way Statement. The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. Maintenance. Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 6. That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 7. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 8. That this Council requests the State to proceed with the Improvement.

Section 9. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity, including but not limited to NOACA; and 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 10. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

Section 11. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the improvement.

Section 12. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the improvement.

Section 13. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

Section 14 That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the improvement.

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

Section 15. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the improvement.

Section 16. That this Council authorizes payment to the State of the City's share of the improvement.

Section 17. That the cost of the professional services and the City's share of the improvement shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, from the fund or funds which are credited the sale of any bonds authorized under Ordinance No. 413-17, passed April 24, 2017 if eligible for this purpose, and other funds approved by the Director of Finance, Request No. RQS 0103, RLA 2017-10.

Section 18. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

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

Ord. No. 588-17.
By Council Members Cleveland, K. Johnson, Brancatelli and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to remove and replace the existing East 75th Street bridge over Norfolk Southern Railroad and Greater Cleveland Regional Transportation Authority; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; and authorizing the acquisition of any real property and easements necessary to make the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("ODOT") to construct the following improvement under plans, specifications, and estimates approved by ODOT: replacing the East 75th Street Bridge over Norfolk Southern Railroad and Greater Cleveland Regional Transit Authority, Bridge No. 4013M (the "Improvement").

Section 2. That the City proposes to cooperate with ODOT in the cost of the Improvement by assuming and contributing the entire cost and expense of the design for the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by ODOT not eligible or made necessary by the Improvement.

Section 3. Utilities and Right-of-Way Statement. The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 4. Maintenance. Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 5. That the Director of Capital Projects is authorized to enter into contracts with ODOT's pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with ODOT necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 6. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 7. That this Council requests ODOT to proceed with the Improvement.

Section 8. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity, including but not limited to, funds allocated by the Federal Highway Administration administered through the Northeast Ohio Areawide Coordinating Agency and any state or federal source; and that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 9. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of

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

Section 10. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

Section 11. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 12. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 13. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property, including but not limited to, fee simple acquisitions, temporary easements, permanent easements, and work agreements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value as determined by the Board of Control.

Section 14. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 15. That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the Improvement.

Section 16. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 17. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 18. That the costs of this ordinance shall be paid from Fund

Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, from the fund or funds to which are credited any proceeds from the sale of bonds authorized by Ordinance No. 413-17, passed April 24, 2017, the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, cash matches, cash contributions accepted and appropriated under this ordinance, and from any and all funds approved by the Director of Finance. (RQS 0103, RLA 2017-9)

Section 19. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 589-17.
By Council Members K. Johnson, Zane and Kelley (by departmental request).

An emergency ordinance authorizing the Directors of Public Works and Public Safety to enter into one or more contracts with the American National Red Cross for an emergency shelter relief plan using the City's recreation centers and other suitable City facilities, for a period not to exceed two years.

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

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

Section 1. That the Directors of Public Works and Public Safety are authorized to enter into one or more contracts with the American National Red Cross ("Red Cross") to allow the Red Cross to use City recreation centers and other suitable City facilities for emergency shelter relief during a disaster, for periods not to exceed thirty (30) days. The term of the contract shall not exceed two years.

Section 2. The contract or contracts shall be prepared by the Director of Law and shall contain such terms and conditions that protect the City's interest, including but not limited to, that the Red Cross will reimburse the City for damages, costs associated with custodial and food service personnel and out-of-pocket operations costs such as water, gas, electricity, and waste disposal.

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 Works, Public Safety, Finance, Law; Committees on Municipal Services and Properties, Safety, Finance.

Ord. No. 590-17.

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants to provide various engineering, testing, and related services needed for various capital improvement projects, for the Division of Engineering and Construction, Office of Capital Projects, on an as-needed basis, for a period up to two years, and executed no later than December 31, 2018.

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

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

Section 1. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide various engineering, testing, and related services needed for various capital improvement projects for the Division of Engineering and Construction, Office of Capital Projects, on an as-needed basis, for a period up to two years. The contract or contracts shall be executed no later than December 31, 2018.

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

Section 2. That the cost of the contract or contracts authorized in this ordinance shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, and from the fund or funds which are credited the proceeds from the sale of bonds authorized by Ordinance Nos. 411-17, 412-17, 413-17, passed April 24, 2017, if eligible for these purposes, any and all funds approved by the Director of Finance, including future bond funds if issued for this purpose. (RQS 0103 RLS 2017-11)

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

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

Ord. No. 591-17.

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to make alterations and modifications in Contract No. PI 2016-121 with Schirmer Construction, LLC for the Old Pearl Road Bridge replacement project, for the Office of Capital Projects.

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

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

Section 1. That the Director of Capital Projects is authorized to make the following alterations and modifications in Contract No. PI 2016-121 with Schirmer Construction, LLC for the Old Pearl Road Bridge replacement project, for the Office of Capital Projects:

Subsidiary Addition

Reconstruction of a portion of the spandrel walls and install galvanized chain link fence with base plates along both eastern and western sides of existing masonry arch.

Additional Subsidiary Amount		\$181,700.00
Original Contract Amount	\$ 977,090.00	
Additional Subsidiary Amount	+ 181,700.00	
New Contract Amount	\$1,158,790.00	

which alteration has been recommended in writing by the Director of Capital Projects, countersigned by the Mayor, and consented to by the surety on the contract. The price to be paid for the alterations and modifications to the contract has been agreed upon in writing and signed by the Director of Capital Projects and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$181,700 to be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, and from the fund or funds to which are credited the proceeds from the sale of bonds authorized by Ordinance No. 413-17, passed April 24, 2017, if authorized for this purpose. (RQS 0103, RL 2017-7)

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

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

Ord. No. 592-17.

By Council Members K. Johnson and Brancatelli (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public right-of-way of Circle Drive by installing, using, and maintaining a sign, foundation pad and underground electrical conduit.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44106 ("Permittee"), to encroach into the public right-of-way of Circle Drive by installing, using, and maintaining a sign, a 7' x 5' foundation pad, and underground electrical conduit at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublots 83 and 84 in the Martha C. Ford's Abington Road Subdivision recorded in Volume 30, Page 28 of Cuyahoga County Map Records of parts of Original 100 Acre Lots Numbers 403 and 404 and being more particularly described as follows:

Beginning at a 1" iron pin monument box found on the centerline of Circle Drive S.E., 70 feet wide, said point being South 67 degrees 08 minutes 48 seconds East from the southerly end of a curved turnout between the southwesterly line of

Cornell Road, 60 feet wide and the northwesterly line of Circle Drive, S.E. 70 feet wide; Thence along the centerline of Circle Drive, South 22 degrees 51 minutes 12 seconds West, a distance of 435.91 feet to a point of curvature; Thence North 67 degrees 08 minutes 48 seconds West, a distance of 35.00 feet to the northwesterly line of Circle Drive; Thence along the northwesterly line of Circle Drive, along a curve to the right, having an arc length of 1.35 feet, with a radius of 265.00 feet, with a chord bearing of South 22 degrees 59 minutes 58 seconds West, and a chord length of 1.35 feet; Thence South 67 degrees 26 minutes 54 seconds East, a distance of 0.65 feet to the place of beginning of the parcel described herein:

Course 1:
Thence South 67 degrees 26 minutes 54 seconds East, a distance of 7.00 feet to a point;

Course 2:
Thence South 22 degrees 33 minutes 06 seconds West, a distance of 5.00 feet to a point;

Course 3:
Thence North 67 degrees 26 minutes 54 seconds West, a distance of 7.00 feet to a point;

Course 4:
Thence North 22 degrees 33 minutes 06 seconds East, a distance of 5.00 feet to the point of beginning as described by Christopher J. Dempsey, Professional Land Surveyor No. 6914 of Dempsey Surveying Company on April 3, 2017.

Basis of Bearings: Bearings are referenced to the Ohio State Plane Coordinate System, North Zone, NAD 83 (1986) datum.

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

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

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

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

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

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

Ord. No. 593-17.
By Council Members Zone and Kelley (by departmental request).
An emergency ordinance to repeal Section 605.031, as amended by Ordinance No. 880-06, passed November 27, 2006; and to amend Section 471.06, as amended by Ordinance No. 1217-02, passed June 10, 2002, relating to aggressive solicitation and the use of highway for soliciting, riding in cargo storage area, on tailgate or on outside of a vehicle.

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 605.031, as amended by Ordinance No. 880-06, passed November 27, 2006, is repealed.

Section 2. That Section 471.06, as amended by Ordinance No. 1217-02, passed June 10, 2002, is amended to read as follows:

Section 471.06 Use of Highway for Soliciting; Riding in Cargo Storage Area, on Tailgate or on Outside of Vehicle

(a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle. This division does not apply in the case of emergency or when the solicitation is due to the person engaging transportation for hire.

(b) No person shall stand on a street or highway, or on any other portion of the right-of-way, including the berm, treelawn, shoulder, and sidewalk, and repeatedly stop, beckon to, or attempt to stop vehicular traffic by hailing, waving arms, or making other bodily gestures.

This division shall not be construed to prohibit a person from stopping, beckoning to, or attempting to stop vehicles due to emergency, or to warn drivers of danger, or to engage transportation or hire.

(c) No person shall hang onto, or ride on the outside of any motor vehicle, streetcar, or trackless trolley while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under the authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto, or ride on the outside of any motor vehicle, streetcar, or trackless trolley while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under the authority of a public agency.

(e) No driver of a truck, trailer, or semitrailer shall knowingly permit any person who has not attained the age of sixteen (16) years to ride in the unenclosed or unroofed cargo storage area of his or her vehicle if the vehicle is traveling faster than twenty-five (25) miles per hour, unless either of the following applies:

(1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in division (A)(2) of RC 4513.263, the seat and seat safety belt

were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;

(2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer, or semitrailer.

(f) No driver of a truck, trailer, or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency, to ride in the cargo storage area or on a tailgate of his or her vehicle while the tailgate is unlatched.

(g) No person shall leave or enter a vehicle that is in motion except in an emergency necessitating such action.

(h) As used in this section, "street" or "highway" have the same meaning as in division (BB) of RC Section 4511.01.

(i) Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the first degree on the third and each subsequent offense. Whoever violates any other division of this section is guilty of a minor misdemeanor on the first offense; a misdemeanor of the fourth degree on a second offense; and a misdemeanor of the third degree on the third and each subsequent offense.

Section 3. That existing Section 471.06, as amended by Ordinance No. 1217-02, passed June 10, 2002, is repealed.

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

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

Ord. No. 594-17.
By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with the Cuyahoga County Solid Waste District to accept funding in support of the Department of Public Safety's Environmental Crimes Task Force for purposes, including but not limited to, the purchase of training and equipment to assist in combatting illegal dumping.

Whereas, there is an acknowledged problem of illegal dumping of scrap tires, solid waste, and construction debris within the City of Cleveland; and

Whereas, the City has established an Environmental Crimes Task Force ("City Task Force") comprised of the offices of Public Safety, Public Health, Building and Housing, Law, and others working collaboratively with the City Task Force to combat illegal dumping in the City; and

Whereas, the City's Department of Public Safety has established an

environmental crimes unit that will investigate illegal dumping crimes and seek prosecution for those crimes; and

Whereas, the Cuyahoga County Solid Waste District (the "District"), the District authorized payment in an amount of \$25,230 to the City of Cleveland Department of Public Safety to support the environmental crimes investigations and enforcement activities; and

Whereas, the City wishes to accept the funding from the District; 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 enter into an agreement with the District to accept funding in support of the City's Environmental Crimes Task Force, in an amount of \$25,230 and any other funds that become available during the agreement term, for purposes, including but not limited to, the purchase of training and equipment to assist in combatting illegal dumping for the period of January 1, 2017 through December 31, 2017, and those funds are appropriated for this purpose.

Section 2. That the grant application package for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 594-17-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That, unless expressly prohibited by the agreement, under Section 108(b) of the Charter, purchases made under the agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts shall be paid from the fund or funds to which are credited any funds accepted under this ordinance.

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

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

Ord. No. 595-17.
By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to accept a grant from the United States Department of Justice for the FY15 COPS Hiring Program.

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

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

Section 1. That the Director of Public Safety is authorized to accept a grant from the United States Department of Justice in the approximate amount of \$1,875,000 and other funds that become available during the grant term, to conduct the FY15 COPS Hiring Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application contained in the file described below.

Section 2. That the application for the grant, File No. 595-17-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

Ord. No. 596-17.

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 United States Department of Justice, Bureau of Justice Assistance for the FY17 Byrne Criminal Justice Innovation Program; and authorizing the Director to enter into one or more contracts with the Partnership for a Safer Cleveland, Golden Ciphers, Slavic Village Development Corporation, and Case Western Reserve University to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply

for and accept a grant in the approximate amount of \$1,000,000, and any other funds that may become available during the grant term from the United States Department of Justice, Bureau of Justice Assistance to conduct the FY17 Byrne Criminal Justice Innovation Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant application package for the grant contained in the file described below.

Section 2. That the grant application package for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 596-17-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the Director of Public Safety is authorized to enter into one or more contracts with or make payments to the Partnership for a Safer Cleveland, Golden Ciphers, Slavic Village Development Corporation, and Case Western Reserve University to implement the grant as described in the file.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 597-17.

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 United States Department of Justice, Bureau of Justice Assistance, for the FY17 Justice and Mental Health Collaboration Grant; and authorizing one or more contracts with Case Western Reserve University, or other agencies or entities needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$75,000, and any other funds that may become available during the grant term, from the United States Department of Justice, Bureau of Justice Assistance, to conduct the FY17 Justice and Mental Health Collaboration Grant, for the purposes in the application; that the Director of Public Safety 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 in the summary for the grant.

Section 2. That the summary for the grant, File No. 597-17-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Case Western Reserve University or other agencies or entities needed to implement the grant as described in the file.

Section 5. That the cost of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 599-17.

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, 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 Public Works is authorized to make one or more written standard purchase and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period of one year,

for the necessary items required for the purchase, lease, or lease with option to purchase, of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle rehabilitation, training, and inspections, as needed, in the estimated sum of \$8,262,780, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

**2017 Enterprise Capital Vehicle Plan
Description of Equipment**

Item Number	Item Description	Division	Quantity	Estimated Cost	Estimated Extended Cost
1	SUV AWD	Water	8	\$39,125	\$313,000
2	Pickup Heavy Duty (A) 4x4	Water	5	\$35,600	\$178,000
3	Pickup Heavy Duty (C) 4x4	Water	2	\$60,000	\$120,000
4	Stake Body Truck	Water	1	\$60,000	\$60,000
5	Cargo Van (A) Transit - 250	Water	10	\$32,200	\$322,000
6	Cargo Van (C) Transit - 350	Water	1	\$45,000	\$45,000
7	Medium Utility Service Vehicle	Water	4	\$85,000	\$340,000
8	Large Utility Service Vehicle	Water	3	\$110,000	\$330,000
9	Tandem Axle Dump Truck	Water	6	\$225,000	\$1,350,000
10	Medium Dump Truck	Water	4	\$67,500	\$270,000
11	Utility Plant Vehicle	Water	1	\$15,000	\$15,000
12	Fork Lift	Water	1	\$29,000	\$29,000
13	Bobcat	Water	1	\$65,000	\$65,000
14	Backhoe w/4-way bucket	Water	6	\$135,000	\$810,000
15	Backhoe Trailer	Water	6	\$22,000	\$132,000
				WATER TOTAL	\$4,379,000
Item Number	Item Description	Division	Quantity	Estimated Cost	Estimated Extended Cost
16	Crew Truck	WPC	2	\$165,000	\$330,000
17	Sewer Cleaning Equipment	WPC	1	\$400,000	\$400,000
18	SUV 4X4	WPC	3	\$36,500	\$109,500
19	Plate Truck	WPC	1	\$330,000	\$330,000
20	Air Compressor	WPC	3	\$34,000	\$102,000
21	Cab/Chassis W/Sewer Cleaner Bodies	WPC	6	\$270,630	\$1,623,780
				WPC TOTAL	\$2,895,280
22	Support Vehicles	CPP	6	\$33,000	\$198,000
23	Pickup Heavy Duty 4X4	CPP	2	\$40,000	\$80,000
24	Medium Dump Truck	CPP	2	\$90,000	\$180,000
25	Bucket Truck - 60" Knuckle	CPP	1	\$300,000	\$300,000
26	Mini-Excavator & Trailer	CPP	1	\$115,000	\$115,000
27	Trailer for Mini-Excavator	CPP	1	\$15,000	\$15,000
				CPP TOTAL	\$888,000
28	Heavy Duty Pickup Truck 4X4	Ports	3	\$33,500	\$100,500
				PORTS TOTAL	\$100,500
				Grand Total	\$8,262,780.00

Alternate bids for a period less than one year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 7015, RL 2017-27)

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

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

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

Ord. No. 600-17.
By Council Members K. Johnson, Kelley, and Reed (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the City of Garfield Heights authorizing the City of Garfield Heights to make the necessary pavement repairs and resurfacing on a portion of Grand Division Avenue located equally in the City of Cleveland and the City of Garfield Heights; and to cause payment of Cleveland's share.

Whereas, the centerline of Grand Division Avenue from the boundary between the City of Cleveland and the City of Garfield Heights and pavement repair and resurfacing to a portion of it is necessary; and

Whereas, the City of Garfield Heights is making the repairs to the area; and

Whereas, the area being repaired is equally located in both cities; and

Whereas, it is the obligation of the City of Cleveland to pay its fifty percent (50%) share of the cost; 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 Works is authorized to enter into an agreement with the City of Garfield Heights authorizing the City of Garfield Heights to make the necessary pavement repairs and resurfacing on a portion of Grand Division Avenue located equally in the City of Cleveland and the City of Garfield Heights. The agreement shall authorize Cleveland to make a payment to the City of Garfield Heights.

Section 2. That the Director of Public Works agrees to pay one hundred percent (100%) of the cost of any additional improvements beyond pavement repair or resurfacing that the City of Cleveland requests be completed on Cleveland's portion of Grand Division Avenue throughout the duration of the project.

Section 3. That this Council authorizes payment to the City of Garfield Heights for the cost of Cleveland's share of paving and resurfacing improvements to that portion of Grand Division Avenue that is in the City of Cleveland, from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574. (RQS 7016, RL 2017-45)

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

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

Ord. No. 601-17.
By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the

Neighborhood Leadership Institute to implement educational, recreational, and cultural programs in various school buildings and recreation centers during evening hours, provide leadership training, and supervise the summer tennis program.

Whereas, based on recommendations made by the Cleveland Summit on Education, certain pilot programs were created; 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 Works is authorized to enter into an agreement with Neighborhood Leadership Institute to implement educational, recreational, and cultural programs in various school buildings and recreation centers during evening hours, provide leadership training, and supervise the summer tennis program, in an amount not to exceed \$289,511, payable from Fund Nos. 01-7004-6380, Request No. RQS 7004, RL 2017-13.

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

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

Ord. No. 602-17.
By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to apply for and accept one or more grants from the State of Ohio, NOACA, or any other public or private entity to implement Stage 1 of the Towpath Trail project; authorizing the Director to accept grants and gifts from any public or private entity for the improvement; authorizing the Director to receive grant funds from Cuyahoga County for the purchase of real estate and easement interests; authorizing the Director to transfer grant funds, if received, to Cuyahoga County for the improvement; authorizing the Commissioner of Purchases and Supplies to purchase real estate and permanent and temporary easement interests and accept donation of real estate; and authorizing one or more lease, permit and/or cooperative agreement to implement Stage 1 of the Towpath Trail project.

Whereas, the Towpath Trail is largely complete from Zoar, Ohio, to the Cleveland City limits and land and easement interest acquisition and construction of Stage 1 of the project brings it closer to completion; and

Whereas, the Stage 1 Project seeks to extend the Towpath Trail from its existing trailhead on the south side of Harvard Avenue, to south of the Harvard-Denison bridge in the Village of Cuyahoga Heights, to the existing trail terminus south of Steelyard Commons at the inter-

section of Jennings Road and Beltline Street in the City of Cleveland (the "Stage 1 Project"); and

Whereas, an integral part of the Stage 1 project includes the acquisition of properties and easements which are located in and along the boundaries of the Stage 1 Project within the City of Cleveland (the "Stage 1 Properties"); and

Whereas, Stage 1 of the Towpath Trail is part of a joint effort by the City of Cleveland, Village of Cuyahoga Heights, Cuyahoga County, Cleveland Metroparks, Canalway Partners, and other entities associated with the project; 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 Works is authorized to apply for and accept grants from the State of Ohio, NOACA, or any other public or private entity, to implement Stage 1 of the Towpath Trail project; that the Directors of Public Works and Finance are authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for implementation of the project.

Section 2. That the Director of Public Works is authorized to enter into one or more agreements with Cuyahoga County concerning use of grant funds received by the County for real estate and easements needed for Stage 1 of the Towpath Trail.

Section 3. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and notwithstanding the receipt of grant funding authorized in Section 1 of this ordinance, the Director of Public Works and the Commissioner of Purchases and Supplies are authorized to purchase property or acquire permanent and temporary easement interests needed for Stage 1 Properties.

Section 4. That the Director of Public Works is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and record the Stage 1 Properties, satisfy applicable federal acquisition and relocation regulations, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, relocation consultants, and all other costs necessary for the acquisition of the Stage 1 Properties.

Section 5. That the consideration to be paid for the Stage 1 Properties shall not exceed fair market value as determined by the Board of Control.

Section 6. That the Director of Public Works is authorized to enter into one or more agreements with the State of Ohio, Cuyahoga County, Cleveland Metroparks, Canalway Partners, and/or other entities needed to effectuate this ordinance, including a cooperative agreement with the Village of Cuyahoga Heights, lease agreements, and any other permits or agreements that are necessary to effectuate this ordinance.

Section 7. That the Director of Public Works is authorized to accept grants and gifts of property from any public or private entity for the Stage 1 project;

Section 8. That if grant funds are received, the Director of Public Works is authorized to send payment to Cuyahoga County for remediation and restoration of land and construction of the improvements on the Stage 1 Properties; that payment to the County shall be paid from the fund or funds that are credited the proceeds of the grant accepted under this ordinance and/or from the Steelyard Commons TIF funds referenced below.

Section 9. That the contracts and agreements authorized by this ordinance shall be prepared by the Director of Law.

Section 10. That the cost of this ordinance shall be paid from the fund or funds that are credited the proceeds of any grant accepted under this ordinance, and/or from Stage 1 Towpath Trail project funds held by Cuyahoga County, and/or from proceeds from the Steelyard Commons TIF fund, Fund No. 20 SF 522, pursuant and subject to TIF Cooperative Agreement No. NF 2013*051, dated October 15, 2013.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 603-17.

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to apply for and accept one or more grants from the State of Ohio, NOACA, or any other public or private entity to implement Stage 4 of the Towpath Trail project; authorizing the Director to accept grants and gifts from any public or private entity for the improvement; authorizing the Director to receive grant funds from Cuyahoga County for the purchase of real estate and easement interests; authorizing the Director to transfer grant funds, if received, to Cuyahoga County for the improvement; authorizing the Commissioner of Purchases and Supplies to purchase real estate and permanent and temporary easement interests and accept donation of real estate; and authorizing one or more lease, permit and/or cooperative agreement to implement Stage 4 of the Towpath Trail project.

Whereas, the Towpath Trail is largely complete from Zoar, Ohio, to the Cleveland City limits and land and easement interest acquisition and construction of Stage 4 of the project brings it closer to completion; and

Whereas, the Stage 4 Project is from the intersection of Literary Avenue and University Rd. in Tremont to the future proposed Canal Basin Park under the Hope Memorial Bridge in Downtown Cleveland (the "Stage 4 Project"); and

Whereas, an integral part of the Stage 4 project includes the acquisition of properties and easements

which are located in and along the boundaries of the Stage 4 Project (the "Stage 4 Properties"); and

Whereas, Stage 4 of the Towpath Trail is part of a joint effort by the City of Cleveland, Cuyahoga County, Cleveland Metroparks, Canalway Partners, and other entities associated with the project; 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 Works is authorized to apply for and accept grants from the State of Ohio, NOACA, or any other public or private entity, to implement Stage 4 of the Towpath Trail project; that the Directors of Public Works and Finance are authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for implementation of the project.

Section 2. That Director is authorized to enter into one or more agreements with Cuyahoga County concerning use of grant funds received by the County for real estate and easements needed for Stage 4 of the Towpath Trail.

Section 3. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and notwithstanding the receipt of grant funding authorized in Section 1 of this ordinance, the Director of Public Works and the Commissioner of Purchases and Supplies are authorized to purchase property or acquire permanent and temporary easement interests needed for Stage 4 Properties.

Section 4. That the Director of Public Works is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and record the Stage 4 Properties, satisfy applicable federal acquisition and relocation regulations, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, relocation consultants, and all other costs necessary for the acquisition of the Stage 4 Properties.

Section 5. That the consideration to be paid for the Stage 4 Properties shall not exceed fair market value as determined by the Board of Control.

Section 6. That the Director of Public Works is authorized to enter into one or more agreements with the State of Ohio, Cuyahoga County, Cleveland Metroparks, Canalway Partners, and/or other entities needed to effectuate this ordinance, including a lease or permit with the Ohio Department of Transportation, other cooperative or lease agreements, and any other permits or agreements that are necessary to effectuate this ordinance.

Section 7. That the Director of Public Works is authorized to accept grants and gifts of property from any public or private entity for the Stage 4 project;

Section 8. That if grant funds are received, the Director of Public Works is authorized to send payment to Cuyahoga County for remediation and restoration of land and construction of the improvements on the Stage 4 Properties; that payment to the

County shall be paid from the fund or funds that are credited the proceeds of the grant accepted under this ordinance and/or from the Steelyard Commons TIF funds referenced below.

Section 9. That the contracts and agreements authorized by this ordinance shall be prepared by the Director of Law.

Section 10. That the cost of this ordinance shall be paid from the fund or funds that are credited the proceeds of any grant accepted under this ordinance, and/or from Stage 4 Towpath Trail project funds held by Cuyahoga County, and/or from proceeds from the Steelyard Commons TIF fund, Fund No. 20 SF 522, pursuant and subject to TIF Cooperative Agreement No. NF 2013*051, dated October 15, 2013.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 604-17.

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2016-17 school year.

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

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2016-17 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; and

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

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

Section 1. That the Directors of Public Works and Finance are authorized to enter into one or more contracts with the Cleveland Metropolitan School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2016-17 school year, under the program description contained in File No. 604-17-A. The cost of the contract or contracts shall not exceed \$950,000 and shall be paid from Fund No. 11 SF 035, Request No. RQS 7001, RL 2017-32.

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

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

Ord. No. 605-17.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Cumberland TCC, LLC, or its designee, to provide economic development assistance to finance costs associated with the replacement of the pump station behind the Rock and Roll Hall of Fame.

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 Economic Development is authorized to enter into a grant agreement with Cumberland TCC, LLC, or its designee, to provide economic development assistance to finance costs associated with the replacement of the pump station behind the Rock and Roll Hall of Fame.

Section 2. That the costs of the grant shall be in an amount not to exceed \$425,000 and shall be paid from Fund No. 10 SF 501, RQS 9501, RL 2017-48.

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 4. That the contract authorized in this legislation will require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

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

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

Ord. No. 606-17.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with

The Westside Industrial Retention and Expansion Network to provide economic development assistance to finance the administration of the Cleveland Industrial Retention Initiative.

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 Economic Development is authorized to enter into a grant agreement with The Westside Industrial Retention and Expansion Network ("WIRE-Net") to provide economic development assistance to finance the administration of the Cleveland Industrial Retention Initiative ("CIRI").

Section 2. That the costs of the grant shall not exceed \$373,921 and shall be paid from Fund No. 10 SF 501, RQS 9501, RL 2017-49.

Section 3. That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

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

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

Ord. No. 607-17.

By Council Members Cummins 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 2017-19 Cities Readiness Initiative Program; authorizing one or more contracts with various agencies, entities, or individuals; and authorizing the purchase or lease of television and radio advertising time and other media.

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 Health is authorized to apply for and accept a grant in the approximate amount of \$107,483, for each year of the grant, and any other funds that may become available during the grant term from the Ohio Department of Health to conduct the 2017-19 Cities Readiness Initiative ("CRI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set

forth in File No. 607-17-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. 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 Health 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 6. That, if necessary, the Director of Public Health is authorized to enter into one or more contracts with the Cuyahoga County Board of Health, Ashtabula City Health Department, Ashtabula County Health Department, Conneaut City Health Department, Elyria City Health Department, Geauga County Health District, Lake County General Health District, Lorain City Health Department, Lorain County General Health District, Medina County Health Department, Shaker Heights Health Department, and other agencies, entities, or individuals needed to implement the grant as described in the file.

Section 7. That the Director of Public Health is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase or lease, during the grant term, of television and radio advertising time and other media, for the Department of Public Health.

Section 8. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 608-17.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2017-19 Public Health Emergency Preparedness Grant Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$183,689, for each year of the grant, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health to conduct the 2017-19 Public Health Emergency Preparedness Grant Program; that the Director of Public Health 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 set forth in the administrative summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 608-17-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

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

Ord. No. 609-17.

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

An emergency ordinance to amend various sections in Chapter 541 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to sewer connections and sewer use code including stormwater control and management; and to enact new Sections 541.081 and 541.93 relating to watercourse protection and criminal liability.

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

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

Section 1. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 541.01 and 541.02, as enacted by Ordinance No. 1439-86, passed September 15, 1986,

Section 541.03, as amended by Ordinance No. 779-06, passed June 5, 2006,

Section 541.04, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Sections 541.05, 541.06, and 541.07, as enacted by Ordinance No. 1439-86, passed September 15, 1986,

Section 541.08, as amended by Ordinance No. 1767-07, passed April 21, 2008, and

Sections 541.09, 541.10, 541.11, and 541.12, as enacted by Ordinance No. 1439-86, passed September 15, 1986,

Section 541.13, as amended by Ordinance No. 643-90, passed June 11, 1990, and

Sections 541.97, 541.98, and 541.99, as enacted by Ordinance No. 1439-86, passed September 15, 1986, and are amended to read as follows:

Section 541.01 Definitions

For the purposes of this chapter, the following words, letters, and phrases, or pronouns used in their stead, shall be construed as follows:

(a) "BOD" means Biochemical Oxygen Demand, or the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at twenty degrees Centigrade (20°C), expressed in milligrams per liter.

(b) "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives, inside the walls of the building, the discharge from soil, waste, and other drainage pipes, sump pumps, and other similar conduits, and conveys it to the building sewer which begins three (3) feet outside the building wall.

(c) "Building Sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain, receives discharge and conveys it to the public sewer, a private sewer, an individual wastewater-disposal system, or other points of discharge.

(d) "C" means Centigrade Degrees.

(e) "Capital Financing Charge" means that portion of the total sewer charge assigned to each user to defray the cost of debt service on the sewer system.

(f) "City" means the City of Cleveland, its officials and employees.

(g) "Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. Sec 1251 et seq.) and any subsequent amendments.

(h) "Combined Sewer" means a sewer which intentionally serves as both a sanitary sewer and a storm sewer.

(i) "Commissioner" means the Commissioner of Water Pollution Control.

(j) "Commissioner of Assessments and Licenses" means the Commissioner of Assessments and Licenses of the City's Department of Finance.

(k) "Cooling Water" means the water discharged from any use, including without limitation air conditioning, cooling or refrigeration, in the course of which discharge the only pollutant added is heat.

(l) "Director" means the Director of Public Utilities.

(m) "Division of Streets" means the Division of Streets of the City's Department of Public Works.

(n) "Domestic Waste" means wastewater which originates as waste from kitchens, water closets, lavatories, bathrooms and showers and which derives principally from residences, commercial buildings, industrial facilities, and institutions.

(o) "F" means Fahrenheit.

(p) "Garbage" means solid waste from domestic or commercial preparation, cooking and/or dispensing of food or from the handling, storage and/or sale of produce.

(q) "Grease or Fats" means any material which may be extracted from an acidified sample of waste by the use of hexane or any other solvent designated by the NEORSO or the Division of Water Pollution Control.

(r) "Hazardous Materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(s) "Illicit connection" means either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system or natural watercourse including, but not limited to, any conveyances that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system or natural watercourse and any connections to the storm drain system from the indoor drains and sinks, regardless of whether said drain or connection is new or preexisting; or

(2) Any drain or conveyance from a commercial or industrial land use to the storm drain system or natural watercourse that has not been documented in plans, maps, or equivalent records and approved By the Division of Water Pollution Control.

(t) "Illicit Discharge" means any discharge to the local stormwater system that is not composed entirely of stormwater except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the municipal sewer system) and also except discharges resulting from fire-fighting activities.

(u) "Industrial Activity" means activities subject to the NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26(b) (14).

(v) "Industrial Waste" means liquid waste resulting from processes employed in industrial, manufacturing, trade or business establishments, and does not include domestic waste of such establishments.

(w) "Lateral" means a tap made to the public sewer when said sewer is originally installed, for the purposes of enabling future sewer connections to be made.

(x) "Licensee" means a person to whom a sewer builder's license is issued.

(y) "Stormwater System" means the entire system of natural watercourses, stormwater conveyance structures, or stormwater control and shall include those natural watercourses that are wholly or partially within the political subdivision of the City of Cleveland.

(z) "MG/L" means milligrams per liter.

(aa) "Municipal Separate Storm Sewer System (MS4)" means the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by the Federal government, State government, municipality, township, county, district or other public body (created by or under State or Federal law) including special districts under State law such as a sewer district, flood control district, or drainage district, or similar entity or a designated and approved management agency under section 208 of the Clean Water Act that discharges into surface waters of the State; and designed or used for collecting or conveying solely stormwater, that is not a combined sewer, and that is not part of a publicly owned treatment works.

(bb) "National Pollutant Discharge Elimination System (NPDES) Discharge Permit" means a permit issued by US EPA (or by the State of Ohio or NEORSR under authority delegated under 33 USC Sec. 1342 that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

(cc) "NEORSR" means the Northeast Ohio Regional Sewer District.

(dd) "Permittee" means a person to whom a sewer connection permit is issued.

(ee) "Person" means any individual, association, organization, partnership, firm, corporation, the state, or any political subdivision, or other entity including a property owner.

(ff) "PH" means the logarithm of the reciprocal of the concentration of hydrogen ions in gram equivalents per liter.

(gg) "Pollutant" means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: Dredged soil; paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid or solid wastes, or yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; ordinances, and accumulations, so that the same may cause or contribute to pollution; floatables, pesticides, herbicides, and fertilizers; hazardous materials, substances and wastes; radioactive materials; biological materials; medical waste; sewage, sewage sludge, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; human wastes; wastes or residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(hh) "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(ii) "Pretreatment" means the application of physical, chemical, and/or biological processes to wastewater to reduce the amount of pollutants or to alter the nature of the

pollutant properties of the wastewater prior to its discharge into a public sewer.

(jj) "Public Sewer" means a sewer which is owned and/or controlled by a governmental entity.

(kk) "Roadway" means that portion of a street which is used for vehicular travel.

(ll) "Sanitary Sewer" means a sewer which carries domestic, commercial, and industrial wastewater, and limited amounts of stormwater, surface or ground water.

(mm) "Sewer" means a pipe or conduit, other than a sewer connection, which is located in the street and carries stormwater, surface water, groundwater or wastewater.

(nn) "Sewer Connection" means that privately owned portion of a building sewer that connects the privately owned portion of a building sewer to a public sewer.

(oo) "Sewer Connection Permit" means a permit issued by the City which authorizes the permittee to install, extend, maintain or repair a sewer connection or a portion.

(pp) "Sewer Service Charge" means the total sewer charge assigned to each user, which charge consists of a user charge and a capital financing charge.

(qq) "Sewer System" means the network of sewers within the City's corporate boundaries, which are owned by, or are under the jurisdiction of the City.

(rr) "Storm Sewer" means a sewer which carries storm, surface or ground water, including cooling water and unpolluted industrial process water, but excluding wastewater and industrial waste.

(ss) "Storm Water" or "Stormwater" means any storm water runoff, snow melt runoff, and surface runoff and drainage.

(tt) "Stormwater Management Plan" means a document that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

(uu) "Street" means the entire width between the boundary lines of every way dedicated to the public use as a thoroughfare for the purpose of vehicular and pedestrian travel.

(vv) "Surcharge" means a charge added to the sewer service charge to cover operation and maintenance costs incurred in the treatment of extra-strength wastes.

(ww) "Suspended Solids" means suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

(xx) "Unpolluted Industrial Process Water" means water used in industrial or manufacturing processes which is sufficiently free of pollutants to qualify for an NPDES permit.

(yy) "User" means a user of the sewer system.

(zz) "User Charge" means that portion of the total sewer charge assigned to each user to defray the user's proportionate share of the cost of operation, maintenance and replacement of the sewer system.

(aaa) "Wastewater" means a combination of water-borne waste

from residences, commercial buildings, industrial facilities, and institutions, and such ground, surface, or storm water as may be present.

Section 541.02 Jurisdiction Over Public Sewer System, Local Storm Sewer System and Sewer Connections

(a) The public sewer system, sanitary sewer system, stormwater system and all sewer connections within the street shall be under the jurisdiction and control of the Director with the assistance of the Commissioner of the Division of Water Pollution Control. As defined in this chapter, the stormwater system shall include those natural watercourses that are wholly or partially within the political subdivision of the City of Cleveland. This jurisdiction and control also includes jurisdiction and control over any and all materials placed or discharged into the public sewer system and stormwater system and all sewer connections within the street, and all natural watercourses wholly or partially within the political subdivision of the City, in order to protect the public health, safety, property and environment, including by preventing or mitigating potentially harmful discharges of water pollution into the sewer system and environment.

(b) The Commissioner of Water Pollution Control is hereby authorized and directed to enforce the provisions of this Chapter, to administer and direct the Division of Water Pollution Control, and to establish policies, procedures, and standards for its efficient operation, to review plans and specifications, to issue sewer permits, to conduct inspections, to issue rules and regulations for the operation of the Division consistent with this Chapter, to maintain records and make reports, and to perform such other duties and activities that may be necessary to execute the provisions of this Chapter.

(c) The Commissioner of Water Pollution Control is also hereby authorized to administer and enforce the provisions of this chapter under the City of Cleveland's Best Management Practices and stormwater management program required under the City of Cleveland's Ohio EPA NPDES Permit No.: OHQ000003 effective on the date of passage of this section, and also under subsequently issued permits. This program and accompanying appendices, and any revisions, is adopted by reference and declared to be part of this chapter. It is on file with the City of Cleveland Public Administration Library, 601 Lakeside Avenue, Cleveland, OH 44114. The Commissioner is to be the primary point of contact under that program as described in its Table of Organization for how administration and enforcement of implementation of the program across multiple positions, agencies, and departments will occur.

Section 541.03 Responsibility for Installation and Maintenance of Sewer Connections

(a) That portion of a sewer connection which extends from the public sewer to approximately one (1) foot beyond the existing or proposed curb line of the roadway may be installed originally by a licensed sewer builder or by the Division of Water Pollution Control. In either

case, installation shall be at the expense of the property owner whose premises are drained by the sewer connection under rules and regulations promulgated by the Commissioner. The cost of any work performed by the Division of Water Pollution Control shall be under Section 543.03 of the Codified Ordinances.

(b) Once installed, the portion of a sewer connection described in division (a) of this section shall be maintained by the Division of Water Pollution Control.

(c) That portion of a sewer connection which extends from approximately one (1) foot beyond the existing or proposed curb line of the roadway **toward the property to be drained by the sewer connection** shall be installed and maintained by a licensed sewer builder at the expense of the property owner whose premises are drained by the sewer connection, and under rules and regulations promulgated by the Commissioner. On application by the sewer builder, the City shall furnish the information as it possesses relative to the location and depth of the sewer connection at the existing or proposed curb line of the roadway. The City shall not guarantee the correctness of the information, and shall not be liable for any error arising from the information.

(d) **Once installed, the portion of a sewer connection described in division (c) of this section shall be maintained by the property owner whose premises are drained by the sewer connection.**

(e) **For new construction of houses or buildings, that portion of a sewer connection which extends from the public sewer to approximately one (1) foot beyond the existing or proposed curb line of the roadway shall be made using a sewer connection made of new material unless the existing connection is in good working condition. Connections that are older than 50 years old are deemed to be in poor working condition unless a person seeking to continue to use the existing connection demonstrates to the Commissioner that it is in good working condition, and such determination shall be within the discretion of the Commissioner.**

Section 541.04 Sewer Builder's License and Bond

(a) No person shall install, extend, maintain, or repair any sewer connection or do any related work without first obtaining a sewer builder's license from the Commissioner of Assessments and Licenses.

(b) Before issuing a sewer builder's license, each applicant shall pay a license fee of fifty dollars (\$50.00) and shall submit to the Commissioner of Assessments and Licenses an application on the form containing:

(1) A certificate satisfactory to and signed by the Commissioner of Water Pollution Control that the applicant agrees to comply with the Codified Ordinances and any rules and regulations promulgated by the Director or the Commissioner under this chapter;

(2) For each applicant who has never been licensed and bonded as a sewer builder, and for each sewer builder who has failed to renew his or her license and bond for a period of one (1) year or more, a certificate signed by at least two (2) reputable

sewer builders to the effect that the applicant is known to them to be qualified to perform the work of a sewer builder; and

(3) A bond in the amount of five thousand dollars (\$5,000.00) with a surety company authorized to write surety bonds in the State. The bond shall be acceptable in form and content to the Director of Law, and shall state:

A. That the licensee indemnifies and holds harmless the City from any and all loss, injury, or damage caused by, related to, or resulting from the want of care, skill, or attention on the part of himself, herself or of anyone in his or her employ, in the prosecution, protection, or completion of any work, or by reason of any opening made, caused, or permitted to be made by him or her or by anyone in his or her employ, or by the placing of any material in any street;

B. That the licensee will employ only experienced pipe layers to lay any pipe or drain;

C. That the licensee will reimburse the City for replacing and restoring the street pavement and earth over any opening made by him or her;

D. That the licensee's operations and work shall conform in all respects to the Codified Ordinances and any and all rules and regulations which are now in existence or may from time to time be promulgated by the Division of Water Pollution Control and the Division of Streets; and

E. That if the Licensee performs all of his or her obligations under the license and bond, the surety's obligation shall cease, but if the City is unable to obtain satisfaction of any of the licensee's obligations under the license and bond, the City may look to the surety for satisfaction.

(c) No sewer builder's license shall be issued until the Commissioner of Assessments and Licenses has received the application and payment required by division (b) of this section, and has approved the applicant's bond.

(d) The sewer builder's license shall state the name of the licensee, firm name if any, address of the licensee's place of business, and date of issue. The license shall be signed by the Commissioner of Assessments and Licenses, and shall be valid until the 31st day of December in an even-numbered year after it is issued, unless it is revoked before that date under division (f) of this section.

(e) No licensed sewer builder shall allow his or her name to be used to obtain any permit for the prosecution of any sewer connection work, or allow anyone in his or her employ to do the work unless the licensee, or one (1) of his or her regularly employed foremen is personally at the location of the work to superintend and direct the work.

(f) If the Commissioner determines that a licensee has violated any of the provisions of this chapter or any rules, regulations or orders of the Division of Water Pollution Control or the Division of Streets, the Commissioner may revoke that person's license under Section 541.97.

Section 541.05 Sewer Connection Permits; Fee

(a) No person shall make any tap to any sewer, repair or remove any sewer connection, or make any excavation **for that purpose** without first obtaining from the Commissioner a

separate sewer connection permit for each such tap or connection.

(b) When a sewer connection or a portion is in place, and the application for a sewer connection permit contemplates installation, extension or maintenance of that portion of the sewer connection which extends from one (1) foot beyond the existing or proposed curb line of the roadway **toward the property to be drained by the sewer connection**, the sewer builder may commence his or her work only after obtaining a sewer builder's license, a sewer connection permit, and the permit required by the Division of Streets under Section 3115.18.

(c) When the application for a sewer connection permit contemplates the installation of any portion of the connection which extends from the public sewer to one (1) foot beyond the existing or proposed curb line of the roadway, the sewer builder may commence his or her work only after obtaining a sewer builder's license, a sewer connection permit, and the street openings permit required by the **Office of Capital Projects under Section 503.01**.

(d) Each applicant for a sewer connection permit shall submit to the Commissioner the following:

(1) An application on the prescribed form containing:

A. A complete and intelligible sketch and specifications showing the existing or proposed sewer, sewer connection or plumbing and the location and character of the work, all in detail;

B. A schedule of all fixtures, taps, and branches for future sewer connections;

C. A statement, signed by the owner for whose benefit the sewer connection is to be made, that **the** owner and each succeeding owner shall, in consideration of the privilege granted, hold harmless the City for any and all loss, injury or damage that may in any way result from or be caused by the work contemplated by issuance of the permit; and

D. Any other information which the City may require in order to determine the acceptability of the probable discharge from the proposed sewer connection.

(2) A sewer connection fee in an amount determined by the Director and approved by the Board of Control.

(e) Sewer connection permits shall be issued only to licensed sewer builders; shall designate the street and number of the house and subplot **on** which the sewer connection is to be made; and shall include a description of the premises **on** which the sewer connection is to be made sufficient to clearly define the location. The sewer connection permit shall be valid for a period of thirty (30) days from the date of issuance, unless revoked prior to that date **under** division (j) of this section.

(f) All permits required by divisions (a), (b) and (c) of this section shall be kept at the site of the work at all times while the work is in progress.

(g) No sewer connection permit shall be issued for any sewer connection which could result in a downstream flow in excess of the capacity of the downstream facilities.

(h) Whenever a property owner proposes installation of a sewer connection which would drain more than one (1) lot, the sewer connection permit application shall give the

correct dimensions and description of each of the several lots which are intended to be drained by the sewer connection. In such a case, no sewer connection permit shall be issued for any lot unless and until the property owner has paid to the City that proportion of the sewer improvement assessment which is attributable to all of the several lots.

(i) No person who has installed or performed any work on a sewer connection **under** division (b) of this section shall relay any sidewalk or portion of any sidewalk without first obtaining the permit required by the **Office of Capital Projects under Section 505.04.**

(j) If the Commissioner determines that a permittee has violated any of the provisions of this chapter or any rules, regulations or orders of the Division of Water Pollution Control, the Commissioner shall revoke that person's sewer connection permit **under** Section 541.97.

Section 541.06 Sewer Construction Requirements

(a) All piping used in the installation of sewers or sewer connections shall be of the best quality socket pipe of a kind acceptable to the Commissioner. No pipe smaller than six (6) inches in diameter shall be used for any sewer connection.

(b) All sewers and sewer connections shall be designed and installed in accordance with the City Building Code and the latest edition of "Design and Construction of Sanitary and Storm Sewers," prepared by the Joint Committee of the American Society of Civil Engineers and the Water Pollution Control Federation.

(c) Each portion of a sewer connection shall be laid in as direct and straight a line as ground conditions permit from the public sewer to the property line of the premises to be drained. All pipes shall be laid by the use of a spirit level to a grade of not less than one (1) foot per one hundred (100) feet. The best Portland cement and clean sand shall be placed in and around each joint so that all joints are watertight.

(d) All openings made by a licensed sewer builder within the street for the purpose of laying sewers or sewer connections shall be done in an open trench. All paving material, flagging, curb and ballasting shall be carefully removed and preserved. After the connection is properly laid, the trench shall be backfilled in accordance with rules and regulations of the Division of Streets. Paving materials, flagging and curb shall be replaced by the City at the property owner's expense.

(e) All openings and obstructions in any street shall be carefully guarded and protected at all times, and during the night time shall be defined by colored lights. Every other precaution necessary to guard against accidents shall be taken. At all times the work shall be done in a manner that causes the least inconvenience to property owners and the general public.

(f) Whenever Council by resolution orders the paving or repaving of any street following installation of a sewer, the Director of Finance shall notify the abutting property owners, in writing, to make such sewer and water connections as he or she may designate within a time specified in the notice. If the required connections are not made within the time specified, the Director shall cause

them to be made and shall obtain reimbursement through the use of a special assessment against abutting property owners. Nothing in this section shall be construed to require abutting property owners to make any payment other than the original cost of constructing sewer and water connections as provided in **division (a) of Section 541.03.**

(g) Nothing in this chapter shall prevent any licensed sewer builder from installing laterals as part of any contract work approved by and being performed under the inspection of the City.

Section 541.07 Catch Basins

No unacceptable discharge or obstruction of any kind shall be placed, thrown or deposited in any catch basin. No person shall break, remove, or cause to be broken or removed any portion of any catch basin, manhole, sewer or appurtenance, or obstruct in any way the inlet or outlet of any public sewer.

Section 541.08 Storm Sewer Connections

(a) No person shall discharge or cause to be discharged into any sanitary sewer any **stormwater**, surface or ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water.

(b) **Stormwater**, surface or ground water, roof runoff and subsurface drainage shall be discharged to storm sewers or combined sewers, or when approved in writing by the Commissioner, to a **rain garden, on-site stormwater storage rain system, vegetated filter strip or other approved method of reducing stormwater volume and minimizing pollutants, or as authorized in division (b) of Section 3133.05 of the Building Code or described in a Stormwater Pollution Plan approved by the Director of Building and Housing under Section 3116.06.**

(c) Any person who has received an NPDES permit and written approval from the Commissioner may discharge cooling water and/or unpolluted industrial process water or unpolluted ground water into a storm sewer, a combined sewer or a natural watercourse **provided that the discharger is in full compliance with all requirements of the permit, waiver, or order, and other applicable laws and regulations.**

(d) **No person shall discharge or cause to be discharged into the stormwater system, including any local natural watercourse, any sanitary sewage or materials or substances, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, or are deemed to be unacceptable including, without limitation, those that have been determined by the Commissioner of Water Pollution Control to be unacceptable as described in Section 541.11.**

Section 541.09 Sewer Inspection

(a) A sewer inspector, designated by the Commissioner, shall inspect all new sewers and sewer connections. The sewer builder shall request such an inspection at least six (6) hours on a regular business day before the sewer inspection is desired. The sewer builder shall uncover any work that has been covered, and shall afford the

inspector the opportunity to inspect both the interior and the exterior of the pipe.

(b) The Commissioner shall be the final judge of the quality and acceptability of all sewer materials, workmanship and work, and shall have the right to inspect the same at all times.

(c) The Commissioner shall have free access to all buildings and fixtures that are a part of the building's drainage system for the purpose of inspecting **the fixtures and determining compliance with this ordinance**, and may **conduct dye tests, camera inspections and take samples of any wastes entering the building drain.** The Commissioner, in his or her sole discretion, may require users to install control manholes to facilitate the sampling, measurement and observation of wastes discharged into the sewer system. **An owner or occupant of a property that receives written notice from the Commissioner that such tests or inspections will be performed under this section shall contact the Commissioner to schedule such tests or inspections at the property. The Commissioner may terminate the water service to the premises where the owner and occupant fails to comply with this section.**

(d) The actual tapping of a sewer connection to the public sewer shall be done only in the presence of an authorized Water Pollution Control inspector.

(e) **The Commissioner shall also have free access to examine and copy any records that must be kept under the condition of an NPDES permit or stormwater pollution prevention plan.**

(f) **The Commissioner may require the discharger to install monitoring equipment as necessary. A facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the dischargers at its own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.**

Section 541.10 Guarantee

(a) Every permittee who installs, extends, maintains or repairs a sewer connection shall guarantee that the work performed by him or her will remain in good condition for a period of one (1) year following the inspection required by division (a) of Section 541.09.

(b) If at any time during the one (1) year guarantee period, the Commissioner finds defects or omissions in the permittee's work, or finds that the work is in accordance with the provisions of this chapter or requires repairs for causes which are attributable to the permittee's work, all as determined by the Commissioner, the Commissioner shall notify the permittee to rectify the defects or omissions, or to make the necessary repairs.

(c) If the permittee fails to begin the rectification or repair within five (5) days from the date he or she receives notice **under** division (b) of this section, the Commissioner may cause the rectification or repair to be effected at the permittee's expense.

Section 541.11 Prohibition of Illicit Wastewater or Stormwater Discharges

(a) No person shall discharge or cause or allow to be discharged into

the sewer system or **stormwater system, including, but not limited to, any natural watercourse within the City of Cleveland, any pollutants, wastewater, materials, or substances that are not permitted by an NPDES, or are the following types of discharges, which are deemed to be unacceptable by the Commissioner, and thus prohibited, under this chapter:**

(1) Constitute a hazard to life and limb of personnel engaged in inspection, maintenance, or operation of the system or to persons who may come in contact with discharges from the sewer system;

(2) **Constitutes or creates a substantial potential or actual hazard to human health, safety, property, or the environment if improperly treated, stored, transported, disposed of, or otherwise managed;**

(3) Contain properties which may be detrimental to the functional integrity or operation of sewers or pumping stations, or which are in any way deleterious to any part of the sewer system **including stormwater system;**

(4) Produce excessive odors or in any other way constitute or create a public nuisance;

(5) Be in violation of any rule or regulation for sewer use **or for the prevention or control of water pollution** adopted by the NEORS, Cuyahoga County or any other agency responsible for sewers, **the stormwater system, pumping stations, or other system components into which the wastewater is discharged;**

(6) Cause the City to incur unreasonable expense in its handling or treatment;

(7) Be of such a volume or be discharged at such a rate as to exceed the capacity of any part of the sewer system;

(8) Directly or indirectly cause water pollution in violation of any permit conditions or State or Federal regulations;

(9) Contain concentrations of any toxic or deleterious material or substance that are prohibited or are in excess of limits set by other provisions of this chapter; or

(10) **Constitutes a discharge of sanitary sewage to a stormwater sewer or a public right-of-way or on to a neighboring property.**

(b) No person shall discharge or cause or allow to be discharged into the sewer system or stormwater system, including, but not limited to any natural watercourse in the City of Cleveland, the following types of discharges, which are deemed by the Commissioner to be unacceptable, and thus prohibited, under this chapter:

(1) Liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient, either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. Materials of this nature include, but are not limited to, **hazardous materials or substances**, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;

Discharges of this nature must be monitored to ensure that the Lower Explosive Limit (L.E.L.) of the explosion hazard meter located at the point of discharge into the sewer system is never exceeded by five

percent (5%) in any two (2) successive readings or by ten percent (10%) in any single reading;

(2) Gaseous, liquid or solid substances which when discharged into the sewer system or local stormwater system, including, but not limited to any watercourse in the City of Cleveland, may alone or by interaction with other substances interfere with any wastewater treatment process, constitute a hazard to human beings or animals, inhibit aquatic life, create a hazard to recreation in the receiving waters or the effluent from the wastewater treatment plant or create a hazard as defined in the federal Clean Water Act;

(3) Construction materials, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, plastic, wood, paunch manure, bones, hair, hides or fleshing, grass clippings, wastepaper, or any solid or viscous substance capable of causing obstruction to the flow in sewers or of otherwise interfering with the proper operation of the sewer system;

(4) Water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or which contains substances which may solidify or become viscous at temperatures between one degree Centigrade (1°C) and sixty-five degrees Centigrade (65°C) at the point of discharge into the system;

(5) Water, waste or steam with a temperature in excess of sixty-five degrees Centigrade (65°C) (one hundred fifty degrees Fahrenheit (150°F));

(6) Water or waste having a PH lower than 5.5 or higher than 10.0 or which may cause corrosion or deterioration of the system. Materials of this nature include, but are not limited to, acids, alkalies, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products;

(7) Water or waste containing total cyanide in excess of five (5) mg/l or containing "readily releasable cyanide" (cyanide released at a temperature of sixty-five degrees Centigrade (65°C) (one hundred fifty degrees Fahrenheit (150°F)) and PH of 2.5) in excess of two (2) mg/l;

(8) Radioactive wastes or isotopes of such half-life or concentration that they violate regulations or orders issued by the authority having control over their use and/or may cause damage or hazards to the sewer system, human beings or animals;

(9) Solids, liquids, or gases which, either alone or by interaction with other substances in the sewer system, are capable of producing objectionable odors or colors or which may otherwise constitute or create a public nuisance;

(10) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the sewer system with no particle greater than one-half (1/2) inch in any dimension;

(11) Wastewater flow rates which exceed the design capacity of any component of the sewer system; or

(12) Water which increases the hydraulic load on the sewer system, including but not limited to cooling,

storm, surface, subsurface, drainage, swimming pool or other relatively unpolluted water.

(c) Nothing in this section shall be construed to prevent any agreement or arrangement between the City or the NEORS and any user of the sewer system in which the user may deposit unacceptable discharges into the system for special treatment subject to applicable payments or surcharges over and above any surcharges for transportation to and treatment in the NEORS system.

(d) **No person shall discharge stormwater, surface water, or ground water to a public right-of-way or on to a neighboring property in violation of Section 541.08 or in a manner that creates a flooding or safety hazard, or public nuisance.**

Section 541.12 Control of Unacceptable Discharges;

(a) If pollutants or wastewater containing any of the unacceptable substances described in Section 541.11 of this chapter are discharged or proposed to be discharged into the sewer system or stormwater system, including but not limited to any watercourse in the City of Cleveland, or into any sewer system tributary, in addition to any other remedies provided in this chapter, including Section 541.97 or Section 541.99, the Commissioner may:

(1) Prohibit the continued or proposed discharge of such wastewater;

(2) Require the discharger to implement on-site modifications to reduce or eliminate the discharge of such substances in conformity with this chapter;

(3) Require pretreatment or the creation of storage facilities for flow equalization to render the discharge acceptable;

(4) Where applicable, require the installation of grease, oil or sand interceptors; or

(5) Take such other remedial action as the Commissioner deems desirable or necessary to achieve the purposes of this chapter.

(b) Any person whose discharge is determined to be unacceptable within the meaning of this chapter or of the NEORS Sewer Use Code may apply to the Commissioner for permission to render such discharge acceptable by pretreatment. The Commissioner may approve pretreatment which complies with all requirements and conditions of this chapter and the NEORS Sewer Use Code.

(c) Where the Commissioner requires pretreatment or equalization of wastewater flows:

(1) Plans, specifications and other pertinent data or information relating to pretreatment or flow equalization facilities required under division (a)(3) of this section shall be submitted to the Commissioner for review and approval prior to their implementation. No subsequent alterations or additions to such facilities shall be made without prior notice to and approval of the Commissioner. Notwithstanding any approval by the Commissioner, discharges from such facilities must comply with applicable codes, ordinances, rules, regulations or orders of all governmental authorities having jurisdiction over unacceptable discharges;

(2) Pretreatment and flow equalization facilities shall be

maintained in good working order and operated efficiently by the owner at his or her own expense, and shall comply with the requirements of this chapter and all other applicable codes, ordinances, laws, rules and regulations. If for any reason, a facility does not or cannot comply with any provision of this chapter, the owner or person responsible for the facility shall immediately notify the Commissioner so that action may be taken to protect persons, property and the sewer system.

Section 541.13 Sewerage Test Tee Inspection, Installation, and Snaking

(a) The Division of Water Pollution Control is authorized to enter upon private property, with the permission of the owner of the property, for the purpose of snaking sewer connections to locate blockages within the City's sewer system. Snaking of sewer connections may be performed by the City from an existing test tee or by digging an opening one (1) foot beyond the existing or proposed curb line of the roadway.

If the blockage is in the main sewer or between the main sewer and a point one (1) foot beyond the existing or proposed curb line of the roadway, repairs shall be made by the Division of Water Pollution Control. If the blockage is between the building and the point one (1) foot beyond the existing or proposed curb line of the roadway, the Division of Water Pollution Control shall advise the owner to engage a licensed and bonded sewer builder to make the necessary repairs.

(b) Where there is no existing test tee, the Division of Water Pollution Control is authorized to install a test tee at the opening one (1) foot beyond the existing or proposed curb line of the roadway for the purpose of future inspections.

(c) The Director of Public Utilities shall make and enforce the regulations as he or she may deem necessary for the implementation and management of the work authorized by this section. The regulations, when published in the *City Record*, shall have the same force and effect as ordinances of the City.

(d) The Director of Public Utilities is authorized to make a written requirement contract under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of material and labor to **investigate and camera inspect**, snake existing sewer connections, install test tees where none exist, and **clean up sewage or wastewater**, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner to permit 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 shall determine.

The cost of said contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon 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 541.97 Abatement Orders; Stop Work Orders; Enforcement Procedures

(a) Whenever the Commissioner finds that any person has violated or is violating any provision of this chapter concerning sewer connections or discharges, in addition to any other remedy provided under this chapter, the Commissioner may issue a written order to remedy the violation. The order shall state the nature of the violation and shall provide that **all illegal discharges shall cease, and under division (e) of this section all work shall cease on the sewer connection that are the subject of the order until all violations have been remedied. The Commissioner may order that a remedy must be effected within twenty-four (24) hours after receipt of the order or sooner to prevent, minimize, or eliminate harm to human health, property, or the environment. The Commissioner shall forward notice by certified mail to the owner, agent, or person in control of the building, structure or portion of the building or structure. The handing of the notice or order to that owner, agent, or person in control shall be deemed actual notice and is legal and valid service. No other form of service is necessary. If a person to whom a notice and order is addressed is not found after a reasonable and diligent search, then the notice and order shall be sent by certified mail to his or her tax mailing address, if available, as indicated on the County tax duplicate, and a copy of the notice shall be posted in a conspicuous place on the premises to which it relates. The mailing and notice shall be deemed legal service of the notice and order.**

(b) If a violation is not remedied within the time period specified in division (a) of this section, in addition to any other remedy provided under this chapter, the Commissioner may order revocation of the sewer builder's license and the sewer connection permit of the person who is charged with the violation (the "person charged") and may cause the violation to be remedied at the expense of the person charged.

(c) In the event that a violation is remedied after the time period specified in division (a) of this section, and the person charged desires to continue his or her work, he or she must reapply for the license and permits required by Section 541.04 and Section 541.05.

(d) **Prohibition. No person shall violate any provision of this chapter, or fail to comply with any order issued under it, or cause or permit the same to be done.**

(e) Stop Work Orders.

(1) **Upon notice from the Commissioner or any other administrative officer having jurisdiction that work on any sewer, connection, or activity is being done contrary to the provisions of this chapter, such work shall be immediately stopped.**

(2) **Such notice shall be in writing and be given to the owner of the property, his or her agent, or the person doing the work, and shall state the conditions under which work may be resumed. However, in instances where immediate action is deemed necessary to protect human health, property, or the environment, the Commissioner or administrative officer having jurisdiction may require the work or activity be stopped**

upon verbal order pending the issuance of a written order.

(f) **In case the owner, agent, or person in control, fails, neglects, or refuses to comply with a notice or order issued under this chapter, or to remove or abate any other condition that is defined as a nuisance or illegal discharge under this chapter, the Commissioner, in addition to any other remedies under this chapter, may take appropriate action to take repair or maintenance measures at the expense of the property owner, agent, or person in control.**

(g) **Civil Actions. Whenever the Commissioner finds that any person has violated or is violating any provision of this chapter concerning illegal connections or unacceptable discharges, in addition to any other remedies under this chapter, may order in writing that the violation cease immediately, and such person violating or who has violated this chapter shall pay a civil penalty of no more than \$1,000 per day of violation.**

(h) **Action by Director of Law. The Commissioner may advise the Director of Law of the facts in a matter, who in addition to other legal remedies that may be available, may institute appropriate action in court to cause correction of the violations and defects, or abatement or removal of the violation. Such action includes, but is not limited to, instituting an appropriate action in law or in equity to restrain the illegal discharge or nuisance, to compel its abatement, or prevent the use of the sewer system.**

(i) **Procedure on Appeals. Appeals of persons adversely affected by a notice of violation or an order of the Commissioner issued under this section shall be heard and decided by the Board of Zoning Appeals under the following procedures:**

(1) **A written notice of appeal must be filed with the Board of Zoning Appeals under the rules for filing notices of appeals. Such notice shall be filed within thirty (30) days after the decision from which the appeal is taken and specifying the grounds for the appeal. However, in the case of a discharge or condition that presents potential or actual harm to human health, property or the environment, the Commissioner, in his or her order, may limit the time for such appeal to a shorter period;**

(2) **A copy of the notice of appeal and grounds for appeal shall also be sent to the Commissioner of Water Pollution Control;**

(3) **Filing a notice of appeal shall stay all proceedings in furtherance of the action appealed from except an order of the Commissioner terminating water service under this chapter or in the case of any other notice or order if the officer or agency from whom the appeal is taken files with the Board, after notice of appeal has been filed with the officer or agency, a certificate, a copy of which shall forthwith be mailed to the appellant at the address stated in the notice of appeal, that, by reason of facts stated in the certificate, a stay would in the officer's or agency's opinion cause immediate peril to life, property or the environment. In either case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board, or by a court of competent jurisdiction upon application, and upon notice to the officer or agency from whom the appeal is taken on due cause shown**

and in accordance with the Ohio Rules of Civil Procedure;

(4) The Board shall fix a reasonable time for the hearing of appeals and give due notice thereof to the parties, and decide the same within a reasonable time. At the hearing any party may appear in person, or by agent or attorney;

(5) If the Board affirms the order of the Commissioner, the person charged may reapply for the license and permits required by Section 541.04 and Section 541.05, and if the Commissioner has not caused the remedy of the violation which was the subject of his or her order, the person charged must remedy the violation before continuing any work under his or her license and permits;

(6) If the Board disaffirms the order of the Commissioner, the sewer builder's license and sewer connection permit shall be restored to the person charged; and

(7) Except where the Board of Zoning Appeals has disaffirmed the order of the Commissioner, any person who violates the provisions of this chapter concerning sewer connections shall pay all expenses incurred and damages resulting from the violation.

Section 541.98 Administration

(a) For the purpose of administration of this chapter, the Commissioner shall, at all times, have free access to the premises of any user of the sewer system, and to the premises of any person reasonably believed by the Commissioner to be a user or potential user of the sewer system. The access may be for the purpose of inspection, observation, measurement and/or testing. The Commissioner shall reasonably protect and treat as confidential any trade secrets or proprietary information which it obtains from the entry.

(b) Nothing in this chapter shall be construed to restrict or in any way limit the jurisdiction of the NEORS or any other governmental authority having jurisdiction over sewers, sewer connections or unacceptable discharges.

Section 541.99 Penalty

(a) Whoever violates any of the provisions of the following sections shall be guilty of a misdemeanor of the first degree. Each day of a continuing violation or noncompliance shall constitute a separate offense.

Section 541.07 "Catch Basins"

Section 541.08 "Stormwater Connections"

Section 541.081 "Watercourse Protection"

Section 541.11 "Prohibition of Illicit Wastewater or Stormwater Discharges"

Section 541.12(c) "Control of Unacceptable Discharges"

Section 541.97(d) or (f) "Abatement Orders; Stop Work Orders; Enforcement Procedures."

(b) Whoever violates any of the provisions of the following sections shall be guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on a third and any subsequent offense.

Section 541.04 "Sewer Builder's License and Bond"

Section 541.05 "Sewer Connection Permits"

Section 541.06 "Sewer Construction Requirements"

(c) In addition to any other method of enforcement provided for in this chapter, whenever the Commissioner finds that any person has violated or is violating any provision of this chapter concerning unacceptable discharges, he or she shall order in writing that the violation cease immediately, shall terminate water service to the premises where the violation occurred, and shall take any further enforcement action provided in this chapter that is necessary.

(d) Persons and organizations, including but not limited to a corporation, partnership or limited liability company, may also be liable and convicted of an offense under this Chapter as provided by Sections 601.10 and 601.11 of the Codified Ordinances and sections 2901.23 and 2901.24 of the Revised Code.

Section 2. That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 541.01 and 541.02, as enacted by Ordinance No. 1439-86, passed September 15, 1986,

Section 541.03, as amended by Ordinance No. 779-06, passed June 5, 2006,

Section 541.04, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Sections 541.05, 541.06, and 541.07, as enacted by Ordinance No. 1439-86, passed September 15, 1986,

Section 541.08, as amended by Ordinance No. 1767-07, passed April 21, 2008, and

Sections 541.09, 541.10, 541.11, and 541.12, as enacted by Ordinance No. 1439-86, passed September 15, 1986,

Section 541.13, as amended by Ordinance No. 643-90, passed June 11, 1990, and

Sections 541.97, 541.98, and 541.99, as enacted by Ordinance No. 1439-86, passed September 15, 1986, and are repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 541.081 and 541.93 to read as follows:

Section 541.081 Watercourse Protection

Every person owning property in the City of Cleveland through which a watercourse passes, including such person's lessee, shall keep and maintain that part of the watercourse within their property free of trash, debris, excessive vegetation, pollution and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner, including their lessee, shall maintain existing privately owned structures within or adjacent to a watercourse, so that structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 541.93 Strict Liability in Offenses

The Council enacts this chapter in furtherance of the protection of the health and safety of the public and environment. The provisions of this chapter are specifically intended to impose strict liability.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

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

Ord. No. 610-17.

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

An emergency ordinance accepting the terms of the franchise granted by the City of Brooklyn in Section 1 of Ordinance No. 2017-35 consenting to the provision of electric service by Cleveland Public Power within the City of Brooklyn and granting CPP a non-exclusive franchise.

Whereas, Cleveland Public Power ("CPP") is a municipal electric utility that is owned and operated by the City of Cleveland and provides electric service to residential and commercial customers; and

Whereas, CPP has received a request by the City of Brooklyn, Ohio, to provide electric service to certain Brooklyn governmental buildings and to prospective residential and commercial consumers in Brooklyn; and

Whereas, the City of Brooklyn has passed Ordinance No. 2017-35 granting a non-exclusive franchise to CPP and consenting to CPP's use of the Brooklyn rights-of-way for the provision of electric service; 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 City of Cleveland accepts the terms of the franchise granted by the City of Brooklyn in section 1 of Brooklyn Ordinance No. 2017-35 stating:

That the City of Brooklyn hereby consents pursuant to Ohio Revised Code Section 4933.16 to the use of the public right-of-way within the City by Cleveland Public Power and further grants to Cleveland Public Power a nonexclusive franchise to serve customers in the City of Brooklyn. This consent is hereby conditioned upon compliance by Cleveland Public Power with requirements contained in all applicable national, state and local code, and with any additional requirements contained in any related agreements in forms approved by the Director of Law.

Section 2. That the Director of Public Utilities is authorized to execute such documents as may be appropriate to evidence the City of Cleveland's acceptance of the terms of the Brooklyn franchise.

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

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

Ord. No. 611-17.
By Council Members Pruitt and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into an Interconnection and Power Purchase Agreement with Cuyahoga County and Cleveland Urban Renewable Power relating to Cleveland Public Power's proposed interconnection of a solar farm located in the City of Brooklyn; authorizing the Director to enter into professional services, public improvement, and purchase contracts, leases and easements and other agreements needed to implement the project; and authorizing the City to accept reimbursement of CPP's costs.

Whereas, Cuyahoga County (the "County") is developing a solar farm to be constructed by Cleveland Urban Renewable Power through contractual arrangements with the County in the City of Brooklyn ("Brooklyn"); and

Whereas, all parties desire to enter into an Interconnection and Power Purchase Agreement with Cleveland Urban Renewable Power and the County to interconnect a Brooklyn solar field with the Cleveland Public Power ("CPP") distribution system for the purpose of including the solar power in the energy supplied by CPP to certain Cuyahoga County electric service accounts; and

Whereas, the County's remaining electricity requirements for those accounts will be supplied from CPP's standard supply for commercial customers and in exchange; and

Whereas, legislation is required to authorize an Interconnection Agreement between CPP, the County, and Cleveland Urban Renewable Power to govern the terms of the interconnection between the solar field and the CPP system; to authorize contracts necessary to enable CPP to install the equipment necessary for the interconnection; to authorize additional agreements; and to authorize the City to accept reimbursement of CPP's costs; 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 Utilities is authorized to enter into an Interconnection Agreement ("Agreement") with the County and Cleveland Urban Renewable Power, to govern the interconnected operations of the solar field in the City of Brooklyn. The Agreement shall address subjects including but not limited to operation, maintenance and repair procedures, equipment testing and metering, normal and emergency operations, liability, insurance, and compliance with applicable national and state codes and standards. The Agreement shall also require reimbursement of CPP's costs, and the means for CPP to accept the reimbursements the parties. The Agreement shall be prepared by the Director of Law and shall contain such terms as the Director deems appropriate to benefit and protect the City's interests.

Section 2. That the Director of Public Utilities is authorized to employ by contract or contracts

engineers, construction managers, site surveyors, technical consultants, and other professionals for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland as necessary for the system planning, design, engineering, and construction of the necessary modifications and other improvements and upgrades needed for the interconnection and operation of the Brooklyn solar farm project (the "Improvement").

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

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Improvement, for CPP by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvements.

Section 4. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate Improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 5. That the Director of Public Utilities is authorized to apply and pay for such permits, licenses, or other authorizations required by any regulatory entity or other public authority to perform the work and other responsibilities authorized by this ordinance.

Section 6. That the Director of Public Utilities is authorized to enter into one or more written agreements with Fred Olson Renewables USA (FORUSA), the regional transmission operator, consumers of the wind energy and such other entities (including LEEDCO, its successors and assigns) as may be required for CPP to receive and utilize or transmit the wind energy for the benefit of CPP's customers and FORUSA's other energy purchasers and to perform any or all day-to-day operational and financial tasks such as scheduling, billing, and accounting.

Section 7. That the Director of Public Utilities is authorized to make one or more written standard purchase contracts or requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of the requirements to be determined by the Director, for the necessary items of materials,

equipment, supplies, and services, and labor and materials for installation and maintenance, including but not limited to transformers, structures and foundations, circuit breakers, relays, control equipment, switches and meters, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for CPP. 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 shall determine.

Section 8. That the costs of the contract or contracts shall be charged against the proper appropriation accounts, including the fund or funds to which are credited the reimbursements paid to the City under the Interconnection Agreement, 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 9. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 10. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, that by and at the approval of the Director of Public Utilities and the direction of the Board of Control, the Commissioner of Purchases and Supplies and the Director are authorized to grant leases or easements to the County, Brooklyn, and/or Cleveland Urban Renewable Power as are necessary for the interconnection of the Brooklyn solar farm.

Section 11. That any agreement or other instrument authorized under this ordinance shall be prepared by the Director of Law.

Section 12. That the Director of Public Utilities is authorized to file all papers and execute all documents necessary to receive the reimbursement funds authorized under this ordinance, and the funds are appropriated for the purpose of reimbursing CPP for costs incurred as a result of implementing the Improvement or interconnection of Project Icebreaker at the Lake Road Substation. The Director of Public Utilities shall deposit the reimbursement funds received under this ordinance into a fund or funds designated by the Director of Finance.

Section 13. That the cost of any expenditures authorized by this ordinance shall be paid from Fund 58 SF 001 and the fund or funds to which are credited the reimbursements paid to the City under the Interconnection Agreement.

Section 14. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

**Ord. No. 612-17.
By Council Member McCormack and Zone.**

An emergency ordinance designating West 47th Street between Lorain Avenue and Turn Avenue with a secondary and honorary designation of "Sister Maureen Doyle Way".

Whereas, during Sister Maureen Doyle's tenure since 1986 as Director of Urban Community School (UCS), the school - founded in the Ursuline tradition and serving primarily families in need on Cleveland's near west side - achieved numerous milestones in academics, fundraising, and facilities; and

Whereas, Doyle led an evolution of the academic program and increased the number of children served by the school, which for years had experienced a significant waiting list; she led capital campaigns to build and endow a modern new campus and a state-of-the-art middle school addition, allowing UCS to finally reach its goal of having capacity for 600 students; and

Whereas, under her leadership, UCS has been recognized for its continuing academic achievements, ranging from 1987's recognition with a U.S. Department of Education (US ED) national Blue Ribbon School Award to 2016's National Green Ribbon from the US ED and a 5-star rating (the highest possible) from the State of Ohio's Step Up to Quality program for having one of the strongest pre-school programs in the region; and

Whereas, Doyle built the school's endowment from scratch, standing at nearly \$17 million today, and focused on expanding professional development for faculty to continue bringing new ideas to UCS, including incorporating green, sustainable practices and healthy living into its policies and its classrooms; and

Whereas, the citizens of Cleveland want to honor Sister Maureen Doyle with a secondary street sign designation of "Sister Maureen Doyle Way" in recognition of her more than three decades of unwavering service to the Near West Side; 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 West 47th Street between Lorain Avenue and Turn Avenue is designated with a secondary and honorary designation of "Sister Maureen Doyle Way".

Section 2. 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.

Referred to Committee on Finance.

**Ord. No. 613-17.
By Council Member Kazy.
An emergency ordinance designating the John M. West House as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the John M. West House as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 8, 2016 to discuss the proposed designation of the John M. West House as a landmark; and

Whereas, the Commission has recommended designation of the John M. West House as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the John M. West House whose street address in the City of Cleveland is 3684-86 West 138th Street, Cuyahoga County Auditor's Permanent Parcel Number is 022-04-047, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being a part of Sublot Nos. 1 and 2 in the John J. Schneider Subdivision of part of Original Rockport Township Section 11, as shown by the recorded plat in Volume 67 of Maps, Page 3 of Cuyahoga County Records and together being bounded and described as follows:

Beginning on the Westerly line of West 138th Street, at a point distant Southerly, measured along said Westerly line, 40 feet from the Northeastly corner of said Sublot No. 1, said place of beginning being also the Southeastly corner of a parcel of land conveyed to William W. Frick by deed dated October 22, 1956, and recorded in Volume 8700, Page 203 of Cuyahoga County Records;

Thence Westerly along the Southerly line of land so conveyed to William W. Frick, as foresaid, a distance of 120 feet to the Southwestly corner thereof;

Thence Northerly along the Westerly line of land conveyed to William W. Frick, a distance of 40 feet to the Northerly line of said Sublot No. 1;

Thence Westerly along the Northerly line of Sublot No. 1, a distance of 52.91 feet to the Northwestly corner of Sublot No. 1;

Thence Southeastly along the Southwestly line of Sublot No. 1, a distance of 200.63 feet to the Southwestly corner thereof;

Thence Easterly along the Southerly line of Sublot No. 1 a distance of 48.21 feet to the Westerly line of land conveyed to William and Ruth Schneider by deed dated October 21, 1969, and recorded in Volume 12567, Page 675 of Cuyahoga County Records, (said point being 21.50 feet from the Southeastly corner of said Sublot No. 1);

Thence Northerly along the Westerly line of land so conveyed to

William and Ruth Schneider 50 feet to an angle therein;

Thence Northeasterly along a Northwestly line of said parcel so conveyed to William and Ruth Schneider, 33.16 feet to an angle point in the Northerly line of said parcel;

Thence Easterly along the Northerly line of said parcel so conveyed to William and Ruth Schneider, a distance of 85 feet to the Westerly line of West 138th Street;

Thence Northerly along the Westerly line of West 138th Street, 90.02 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Referred to Directors of City Planning Commission, Law; Committee on Development Planning and Sustainability.

**Ord. No. 625-17.
By Council Member Kelley.**

An emergency ordinance to repeal Section 433.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 711-04, passed October 18, 2004; and to supplement the codified ordinances by enacting new Section 433.01 relating to driving or physical control while under the influence of alcohol or drugs, tests, presumptions, and penalties; and to repeal Section 433.011 of the codified ordinances, relating to intoxication, reckless operation and speed.

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

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

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 433.01, as amended by Ordinance No.711-04, passed October 18, 2004, is repealed.

Section 433.011, as amended by Ordinance No. 835-03, passed June 10, 2003, relating to Physical Control of Vehicle While Under the Influence; Testimony and Evidence Regarding Field Sobriety Test, is repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Section 433.01 to read as follows:

Section 433.01 Driving or Physical Control While Under the Influence of Alcohol or Drugs; Tests; Presumptions; Penalties

(a) *Driving under the influence.*

(1) No person shall operate any vehicle, streetcar, or trackless trolley

within this city, if, at the time of the operation, any of the following apply:

A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.

B. The person has a concentration of 0.08% or more but less than 0.17% by weight per unit volume of alcohol in the person's whole blood.

C. The person has a concentration of 0.096% or more but less than 0.204% by weight per unit volume of alcohol in the person's blood serum or plasma.

D. The person has a concentration of 0.08 grams or more but less than 0.17 grams by weight of alcohol per two hundred and ten (210) liters of the person's breath.

E. The person has a concentration of 0.11 grams or more but less than 0.238 grams by weight of alcohol per one hundred (100) milliliters of the person's urine.

F. The person has a concentration of 0.17% or more by weight per unit volume of alcohol in the person's whole blood.

G. The person has a concentration of 0.204% or more by weight per unit volume of alcohol in the person's blood serum or plasma.

H. The person has a concentration of 0.17 grams or more by weight of alcohol per two hundred and ten (210) liters of the person's breath.

I. The person has a concentration of 0.238 grams or more by weight of alcohol per one hundred (100) milliliters of the person's urine.

J. Except as provided in division (1) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

1. The person has a concentration of amphetamine in the person's urine of at least five hundred (500) nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred (100) nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty (150) nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty (150) nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

4. The person has a concentration of heroin in the person's urine of at least two thousand (2,000) nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten (10) nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

6. The person has a concentration of L.S.D. in the person's urine of at least twenty-five (25) nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

7. The person has a concentration of marijuana in the person's urine of at least ten (10) nanograms of marijuana per milliliter of the person's urine or has a concentration of marijuana in the person's whole blood or blood serum or plasma of at least two (2) nanograms of marijuana per milliliter of the person's whole blood or blood serum or plasma.

8. Either of the following applies:

a. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marijuana metabolite in the person's urine of at least fifteen (15) nanograms of marijuana metabolite per milliliter of the person's urine or has a concentration of marijuana metabolite in the person's whole blood or blood serum or plasma of at least five (5) nanograms of marijuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

b. As measured by gas chromatography mass spectrometry, the person has a concentration of marijuana metabolite in the person's urine of at least thirty-five (35) nanograms of marijuana metabolite per milliliter of the person's urine or has a concentration of marijuana metabolite in the person's whole blood or blood serum or plasma of at least fifty (50) nanograms of marijuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

9. The person has a concentration of methamphetamine in the person's urine of at least five hundred (500) nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred (100) nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

10. The person has a concentration of phencyclidine in the person's urine of at least twenty-five (25) nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

11. The State Board of Pharmacy has adopted a rule pursuant to RC 4729.041

that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle, streetcar, or trackless trolley within this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(2) No person who, within twenty (20) years of the conduct described in division (a)(2)A. of this section, previously has been convicted of or pleaded guilty to a violation of this division or a substantially equivalent State law or municipal ordinance, division (a)(1) or (b) of this section or a substantially equivalent State law or municipal ordinance, shall do both of the following:

A. Operate any vehicle, streetcar, or trackless trolley within this City while under the influence of alcohol, a drug of abuse, or a combination of them;

B. Subsequent to being arrested for operating the vehicle, streetcar, or trackless trolley as described in division (a)(2)A. of this section, being asked by a law enforcement officer to submit to a chemical test or tests under RC 4511.191 or any substantially equivalent municipal ordinance, and being advised by the officer in accordance with RC 4511.192 or any substantially equivalent municipal ordinance of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(b) *Underage alcohol consumption.* No person under twenty-one (21) years of age shall operate any vehicle, streetcar, or trackless trolley within this City if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least 0.02% but less than 0.08% by weight per unit volume of alcohol in the person's whole blood;

(2) The person has a concentration of at least 0.03% but less than 0.096% by weight per unit volume of alcohol in the person's blood serum or plasma;

(3) The person has a concentration of at least 0.02 grams but less than 0.08 grams by weight of alcohol per two hundred and ten (210) liters of the person's breath;

(4) The person has a concentration of at least 0.028 grams but less than 0.11 grams by weight of alcohol per one hundred (100) milliliters of the person's urine.

(c) *Prosecution; limitation on convictions.* In any proceeding arising out of one (1) incident, a person may be charged with a violation of division (a)(1)A. or (a)(2) and a violation of division (b)(1), (b)(2) or (b)(3) of this section, but the person may not be convicted of more than one (1) violation of these divisions.

(d) *Evidence; tests.*

(1) A. In any criminal prosecution for a violation of division (a)(1)A. of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in RC 2317.02, may be admitted with expert testimony to be considered with any

other relevant and competent evidence in determining the guilt or innocence of the defendant.

B. In any criminal prosecution for a violation of division (a) or (b) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three (3) hours of the time of the alleged violation. The three (3) hour time limit specified in this division regarding the admission of evidence does not extend or affect the two (2) hour time limit specified in RC 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under RC 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under this division (d)(1)B. shall be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director pursuant to RC 3701.143.

C. As used in division (d)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in RC 4765.01.

(2) In a criminal prosecution for a violation of division (a) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (a)(1)E., (a)(1)C., (a)(1)D. and (a)(1)E. of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution for a violation of division (b) of this section.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. If the chemical test was obtained pursuant to division (d)(1)B. of this section, the person tested may have a physician, a registered nurse or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (g)(5) of this section or RC 4511.191(A)(5), the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in RC 4511.191(A)(5), the form to be read to the person to be tested, as required under division (g) of this section, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4) A. As used in division (d)(4)B. and (d)(4)C. of this section, "National Highway Traffic Safety Administration" means the National Highway Traffic Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C. 105.

B. In any criminal prosecution for a violation of division (a) or (b) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible and generally accepted field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.

2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution.

3. If testimony is presented or evidence is introduced under division (d)(4)B.1. or (d)(4)B.2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

C. Division (d)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (d)(4)B. of this section.

(e) *Laboratory report.*

(1) Subject to division (e)(3) of this section, in any criminal prosecution for a violation of division (a)(1)B., (a)(1)C., (a)(1)D., (a)(1)E., (a)(1)F., (a)(1)G., (a)(1)H., (a)(1)I. or (a)(1)J. or (b)(1), (b)(2), (b)(3) or (b)(4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

A. The signature, under oath, of any person who performed the analysis;

B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

D. An outline of the analyst's or test performer's education, training and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Ohio Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (e)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in division (e)(1) of this section shall not be prima facie evidence of the contents, identity or amount of any substance if, within seven (7) days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven (7) day time limit in the interest of justice.

(f) *Limitation of liability.*

(1) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist or phlebotomist who withdraws blood from a person pursuant to this section or RC 4511.19, 4511.191 or 4511.192, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section or RC 4511.19, 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(2) As used in division (f)(1), "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in RC 4765.01. (RC 4511.19(A) - (F))

(g) *Implied consent.*

(1) *Definitions.* For the purpose of this division (g), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

B. "Physical control" has the same meaning as in RC 4511.194.

C. "Community Addiction Services Provider" has the same meaning as in RC 5119.01.

(2) *Implied consent to chemical tests.* Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this municipality or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (a), (b) or (c) of this section, RC 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance or any other municipal O.V.I. ordinance.

(3) *Tests at request of law enforcement agent.* The chemical test or tests under division (g)(2) of this section shall be administered at the request of a law enforcement officer

having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section or ordinance identified in division (g)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) *Effect of death or unconsciousness.* Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (g)(2) of this section and the test or tests may be administered, subject to RC 313.12 to 313.16.

(5) *Chemical tests.*

A. If a law enforcement officer arrests a person for a violation of division (a) or (b) of this section, RC 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or a municipal O.V.I. ordinance and if the person if convicted would be required to be sentenced under division (h)(1)(C), (h)(1)(D), or (h)(1)(E), or under RC 4511.19(G)(1)(c), (G)(1)(d) or (G)(1)(e), the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (g)(7) of this section, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (g)(3) and (g)(4) of this section apply to the administration of a chemical test or tests pursuant to this division.

B. If a person refuses to submit to a chemical test upon a request made pursuant to division (g)(5)A. of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner. (RC 4511.191(A))

(6) *Advice required.* Except as provided in division (g)(5) of this section, the arresting law enforcement

officer shall give advice in accordance with this division to any person under arrest for a violation of division (a), (b) or (c) of this section, RC 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or any other municipal O.V.I. ordinance. The officer shall give that advice in a written form that contains the information described in division (g)(7) of this section and shall read the advice to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. One (1) or more persons shall witness the arresting officer's reading of the form, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two (2) hours of the time of the alleged violation and, if the person does not submit to the test or tests within that two (2) hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.

(7) *Certification of arrest.* Except as provided in division (g)(5) of this section, if a person is under arrest as described in division (g)(6) of this section, before the person may be requested to submit to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance or combination content of the person's whole blood, blood serum or plasma, breath or urine, the arresting officer shall read the following form to the person:

"You now are under arrest for (specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested - operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance; operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence).

"If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of O.V.I., O.V.U.A.C., or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding 20 years, you are now under arrest for state O.V.I., and, if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the state O.V.I.

(Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.) "If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated.

"If you take a chemical test, you may have an independent chemical test taken at your own expense."

(8) *Actions required by arresting officer.* If the arresting law enforcement officer does not ask a person under arrest as described in division (g)(5) of this section or division (g)(6) of this section to submit to a chemical test or tests under RC 4511.191 or this section, the arresting officer shall seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four (24) hours after the arrest, and, upon the surrender, the agency immediately shall forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person's initial appearance and any action taken under RC 4511.196.

(9) *Duties of officer.*

A. If a law enforcement officer asks a person under arrest as described in division (g)(5) of this section to submit to a chemical test or tests under that division and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, or if a law enforcement officer asks a person under arrest as described in division (g)(6) of this section to submit to a chemical test or tests under RC 4511.191 or this section, the officer advises the person in accordance with this section of the consequences of the person's refusal or submission, and either the person refuses to submit to the test or tests or, unless the arrest was for a violation of division (o) of this section, RC 4511.194 or a substantially equivalent municipal ordinance, the person submits to the test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath or urine at the time of the alleged offense, the arresting officer shall do all of the following:

1. On behalf of the Registrar of Motor Vehicles, notify the person that, independent of any penalties or sanctions imposed upon the person, the person's Ohio driver's or commercial driver's license or permit or nonresident operating privilege is suspended immediately, that the suspension will last at least until the person's initial appearance on the charge, which will be held within five (5) days after the date of the person's arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance or during the period of time ending thirty (30) days after that initial appearance;

2. Seize the driver's or commercial driver's license or permit of the person and immediately forward it to the Registrar. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four (24) hours

after the person is given notice of the suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the Registrar;

3. Verify the person's current residence and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the Registrar of the change;

4. Send to the Registrar, within forty-eight (48) hours after the arrest of the person, a sworn report that includes all of the following statements:

a. That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle, streetcar, or trackless trolley in violation of RC 4511.19(A) or (B) or a municipal O.V.I. ordinance or for being in physical control of a stationary vehicle, streetcar, or trackless trolley in violation of RC 4511.194 or a substantially equivalent municipal ordinance;

b. That the person was arrested and charged with a violation of RC 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or a municipal O.V.I. ordinance;

c. Unless division (g)(9)A.4.e. of this section applies, that the officer asked the person to take the designated chemical test or tests, advised the person in accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (g)(7) of this section;

d. Unless division (g)(9)A.4.e. of this section applies, that either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation of RC 4511.194 or a substantially equivalent municipal ordinance, the person submitted to the chemical test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath or urine at the time of the alleged offense;

e. If the person was under arrest as described in division (g)(5) of this section and the chemical test or tests were performed in accordance with that division, that the person was under arrest as described in that division, that the chemical test or tests were performed in accordance with that division, and that test results indicated a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

B. Division (g)(9)A. of this section does not apply to a person who is arrested for a violation of division (o) of this section, RC 4511.194 or a substantially equivalent municipal ordinance, or any other substantially equivalent municipal ordinance, who is asked by a law enforcement officer to submit to a chemical test or tests under this section, and who submits to the test or tests, regardless of the amount of alcohol, a controlled substance, or a metabolite of a controlled substance that the test results indicate is present in the person's whole blood, blood serum or plasma, breath or urine.

(10) *Sworn report of arresting officer.*

A. The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the Registrar of Motor Vehicles shall send the report to the person by regular first-class mail as soon as possible after receipt of the report, but not later than fourteen (14) days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest, provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but not later than forty-eight (48) hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.

B. The sworn report of an arresting officer completed under this section is prima facie proof of the information and statements that it contains. It shall be admitted and considered as prima facie proof of the information and statements that it contains in any appeal under RC 4511.197 relative to any suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege that results from the arrest covered by the report.

(RC 4511.192)

(11) *Suspension effective immediately.* A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in RC 4511.191(B) or (C) is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person's being requested to take the chemical test or tests under division (g)(1) through (g)(5) of this section does not affect the suspension.

(12) *Initial appearance.* If a person arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (a) or (b) of this section, RC 4511.19(A) or (B), or any other municipal O.V.I. ordinance, or for being in physical control of a vehicle in violation of division (o) of this section or RC 4511.194 or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under RC 4511.191(B) or (C) or RC Chapter 4510, the person's initial appearance on the charge resulting from the arrest shall be held within five (5) days of the person's arrest or the issuance of the citation to him or her, subject to any continuance granted by the court pursuant to RC 4511.197 regarding the issues specified in that section.

(RC 4511.191(D))

(h) *Penalty for driving under the influence.*

(1) Whoever violates any provisions of divisions (a)(1)A. through (a)(1)I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (a)(1)J. of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed

metabolite of a controlled substance. The court shall sentence the offender for either offense under RC Chapter 2929, except as otherwise authorized or required by divisions (h)(1)A. through (h)(1)E. of this section:

A. Except as otherwise provided in division (h)(1)B., (h)(1)C., (h)(1)D. or (h)(1)E. of this section, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to all of the penalties and sanctions provided in RC 4511.19(G)(1)(a)(i) to (G)(1)(a)(iv).

B. Except as otherwise provided in division (h)(1)E. of this section, an offender who, within ten (10) years of the offense previously has been convicted of or pleaded guilty to one (1) violation of division (a) or (b) of this section, or one (1) other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the penalties and sanctions provided in RC 4511.19(G)(1)(b)(i) to (G)(1)(b)(v).

C. Except as otherwise provided in division (h)(1)E. of this section, an offender who, within ten (10) years of the offense, previously has been convicted of or pleaded guilty to two (2) violations of division (a) or (b) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the penalties and sanctions provided in RC 4511.19(G)(1)(c)(i) to (G)(1)(c)(vi).

D. Except as otherwise provided in division (h)(1)E. of this section, an offender who, within ten (10) years of the offense, previously has been convicted of or pleaded guilty to three (3) or more violations of division (a) or (b) of this section or other equivalent offenses or an offender who, within twenty (20) years of the offense, previously has been convicted of or pleaded guilty to five (5) or more violations of that nature is guilty of a felony to be prosecuted under appropriate state law.

E. An offender who previously has been convicted of or pleaded guilty to a violation of RC 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony to be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of division (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section or RC 4511.19 as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in RC 4511.19(F)(2).

(3) A. If an offender is sentenced to a jail term under RC 4511.19(G)(1)(b)(i) or (G)(1)(b)(ii) or (G)(1)(c)(i) or (G)(1)(c)(ii) and if, within sixty (60) days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty (60) day period following the date of sentencing, the court may impose an alternative sentence as specified in RC 4511.19(G)(3) that includes a term of house arrest with electronic monitoring, with continuous alcohol

monitoring, or with both electronic monitoring and continuous alcohol monitoring.

B. As an alternative to the mandatory jail terms as required by RC 4511.19(G)(1), the court may sentence the offender as provided in RC 4511.19(G)(3).

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (h) of this section or RC 4511.19(G) and if RC 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under RC 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one (1) of the conditions of the limited driving privileges granted to the offender, except as provided in RC 4503.231(B).

(5) Fines imposed under this section for a violation of division (a) of this section shall be distributed as provided in RC 4511.19(G)(5).

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (h)(1)C., (h)(1)D. or (h)(1)E. of this section is assigned or transferred and RC 4503.234(B)(2) or (B)(3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(7) In all cases in which an offender is sentenced under division (h) of this section, the offender shall provide the court with proof of financial responsibility as defined in RC 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to RC 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (h) of this section.

(8) As used in division (h) of this section, "electronic monitoring" has the same meaning as in RC 2929.01.

(i) *Penalty for operating a vehicle after underage alcohol consumption.* Whoever violates division (b) of this section is guilty of operating a motor vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six (6) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range

specified in RC 4510.02(A)(6); The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under section 4510.022 of the Revised Code. If the court grants unlimited driving privileges under section 4510.022 of the Revised Code, the court shall suspend any jail term imposed under division (H)(1) of this section as required under that section.

(2) If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) or more violations of division (a) or (b) of this section or other equivalent offense or offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four (4) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in RC 4510.02(A)(4). The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(3) If the offender also is convicted of or also pleads guilty to a specification of the type described in RC 2941.1416 and if the court imposes a jail term for the violation of division (b) of this section, the court shall impose upon the offender an additional definite jail term pursuant to RC 2929.24(E).

(4) The offender shall provide the court with proof of financial responsibility as defined in RC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to RC 2929.28 in an amount not exceeding five thousand dollars (\$5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the violation of division (b) of this section.

(j) *Treatment programs.*

(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under RC Chapter 5119 by the Director of Mental Health and Addiction Services.

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's Indigent Drivers' Alcohol Treatment Fund.

(k) *Appeal; effect on suspension.* If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section or RC 4511.19 files an appeal regarding any aspect of the person's trial or sentence,

the appeal itself does not stay the operation of the suspension.

(1) *Exception; direction of health professional.* Division (a)(1)J. of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested or inhaled the controlled substance in accordance with the health professional's directions.

(m) *Applicability to RC 2923.16(D).* The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (a)(1)J. of this section also apply in a prosecution of a violation of RC 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(n) *Applicability of terms.* All terms defined in RC 4510.01 apply to this section. If the meaning of a term defined in RC 4510.01 conflicts with the meaning of the same term as defined in RC 4501.01 or 4511.01, the term as defined in RC 4510.01 applies to this section.

(RC 4511.19(G) - (M))

(o) *Physical control of vehicle while under the influence.*

(1) *Definition.* As used in this division (o), "physical control" means being in the driver's position of the front seat of a vehicle or in the driver's position of a streetcar or trackless trolley and having possession of the vehicle's, streetcar's, or trackless trolley's ignition key or other ignition device.

(2) *Generally.* No person shall be in physical control of a vehicle, streetcar, or trackless trolley if, at the time of the physical control, any of the following apply:

A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.

B. The person's whole blood, blood serum or plasma, breath or urine contains at least the concentration of alcohol specified in divisions (a)(1)E., (a)(1)C., (a)(1)D. or (a)(1)E. of this section.

C. Except as provided in division (o)(5) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in division (a)(1)J. of this section.

(3) *Field sobriety test.*

A. In any criminal prosecution or juvenile court proceeding for a violation of this section, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible and generally acceptable field sobriety tests that were in effect at the time the tests were administered, including but not

limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.

2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

3. If testimony is presented or evidence is introduced under division (o)(3)A.1. or (o)(3)A.2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

B. Division (o)(3)A. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (o)(3)A. of this section.

(4) *Penalty.* Whoever violates this division (o) is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven (7) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in RC 4510.02(A)(7).

(5) *Exception.* Division (o)(2)C. of this section does not apply to a person who is in physical control of a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in division (a)(1)J. of this section if both of the following apply:

A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

B. The person injected, ingested or inhaled the controlled substance in accordance with the health professional's directions. (RC 4511.194)

(p) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Community residential sanction," "continuous alcohol monitoring," "jail," "mandatory prison term," "mandatory term of local incarceration," "prison term" and "sanction" have the same meanings as in RC 2929.01.

(2) "Drug of abuse" has the same meaning as in RC 4506.01.

(3) "Equivalent offense" means any of the following:

A. A violation of RC 4511.19(A) or (B);

B. A violation of a municipal O.V.I. ordinance;

C. A violation of RC 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

D. A violation of RC 2903.06(A)(1) or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

E. A violation of RC 2903.06(A)(2), (A)(3) or (A)(4), 2903.08(A)(2), or former RC 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

F. A violation of RC 1547.11(A) or (B);

G. A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

H. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to RC 4511.19(A) or (B) or 1547.11(A) or (B);

I. A violation of a former law of this state that was substantially equivalent to RC 4511.19(A) or (B) or 1547.11(A) or (B).

(4) "Equivalent offense that is vehicle-related" means an equivalent offense that is any of the following:

A. A violation described in division A., B., C., D. or E. of the definition for "equivalent offense" provided in this division (p);

B. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to RC 4511.19(A) or (B);

C. A violation of a former law of this state that was substantially equivalent to RC 4511.19(A) or (B).

(5) "Mandatory jail term" means the mandatory term in jail of three (3), six (6), ten (10), twenty (20), thirty (30) or sixty (60) days that must be imposed under RC 4511.19(G)(1)(a), (G)(1)(b), or (G)(1)(c) upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:

A. Except as specifically authorized under RC 4511.19, the term must be served in a jail.

B. Except as specifically authorized under RC 4511.19, the term cannot be suspended, reduced or otherwise modified pursuant to RC 2929.21 through 2929.28 or any other provision of the Ohio Revised Code.

(6) "Municipal O.V.I. ordinance" and "municipal O.V.I. offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited

concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine.
(RC 4511.181)

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

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

Ord. No. 626-17.

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to apply for and accept gifts or grants from various public and private entities to implement the 2017 Bridge Repair and Replacement Plan; authorizing the Director to enter into contracts and agreements to design and construct the improvements and other agreements needed to implement the improvement; granting consent to ODOT; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements necessary to make the improvements.

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

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

Section 1. That the Director of Capital Projects is authorized to apply for and accept gifts or grants from various public or private entities, including but not limited to, Federal Highway Administration funds administered through Northeast Ohio Area-wide Coordinating Agency ("NOACA") to implement the 2017 Bridge Repair and Replacement Plan by removing, replacing, and/or repairing bridges which are wholly-owned by the City and are identified in the list placed in File No. 626-17-A, (the "Improvement"); that the Director of Capital Projects is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for implementation of the project.

Section 2. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for the Improvement.

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

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

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 4. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("ODOT") to construct the improvement under plans, specifications, and estimates approved by ODOT.

Section 6. That the City proposes to cooperate with ODOT in the cost of the Improvement by assuming and contributing the entire cost and expense of the design for the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by ODOT not eligible or made necessary by the Improvement.

Section 7. Utilities and Right-of-Way Statement. The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 8. Maintenance. Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 9. That the Director of Capital Projects is authorized to enter

into contracts with ODOT's pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with ODOT necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 10. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

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

Section 12. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement and costs associated with implementing green infrastructure features to address combined sewer overflows. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 13. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with railroads, the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other public or private entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the Improvement described in this ordinance.

Section 14. That the Director of Capital Projects is authorized to accept right-of-entries from private property owners within the Improvement locations where access to private property is necessary to complete the proposed Improvements.

Section 15. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvements.

Section 16. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-

of-way purposes any real property, including but not limited to fee simple acquisition, temporary easements, permanent easements, and work agreements necessary to make the Improvements. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

Section 17. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 18. That the Director of Capital Projects is authorized to enter into any agreements needed to implement the Improvements, including but not limited to, multi-party agreements between the City and other governmental entities regarding the funding and construction of the Improvements, and other agreements needed to implement this ordinance.

Section 19. That the Director of Capital Projects is authorized to enter into one or more Local Project Administration agreements with the Ohio Department of Transportation to fund and construct any portion of the Improvements contained in this ordinance, and to enter into one or more contracts for the expenditures of grants or other funding to implement this ordinance with the lowest and best responsible bidder or engineer.

Section 20. That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the Improvement.

Section 21. That the costs of this ordinance shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, from the fund or funds to which are credited any proceeds from the sale of bonds authorized by Ordinance No. 413-17, passed April 24, 2017, the fund or funds to which are credited any gift, grant, or other funds received under this ordinance, from cash contributions accepted and appropriated under this ordinance, and any other funds approved by the Director of Finance. (RQS 0103, RLA 2017-18)

Section 22. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 627-17.

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

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the

State of Ohio to construct Johnston Mill Run Trail, Phase I, from Miles Avenue to Lee Road and Kerruish Park in the Cities of Cleveland and Garfield Heights; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing one or more contracts with consultants and any other relative agreements, including a cooperative agreement with the City of Garfield Heights; authorizing the acquisition of any real property and easements necessary to make the improvement; and cause payment for the City's share.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("ODOT") to construct the following improvement under plans, specifications, and estimates approved by ODOT: Phase I of the Johnston Mill Run Trail constructing a multipurpose trail from Miles Avenue to Lee Road and Kerruish Park in phases located in the Cities Cleveland and Garfield Heights, PID 104941 (the "Improvement").

Section 2. That the City proposes to cooperate with ODOT in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of grant funds received from a Congestion Mitigation and Air Quality grant in the amount of \$1,154,000. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by ODOT not eligible or made necessary by the Improvement.

Section 3. Utilities and Right-of-Way Statement. The City agrees to acquire and/or make available to Garfield Heights, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 4. Maintenance. Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 5. That the Director of Capital Projects is authorized to enter into contracts with ODOT's pre-qualified consultants for the

preliminary engineering phase of the Improvement and to enter into contracts with ODOT necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 6. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 7. That this Council requests ODOT to proceed with the Improvement.

Section 8. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity, including but not limited to the Ohio Recreation Trail, Ohio Department of Natural Resources and any state or federal source; and 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 9. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for the Improvement.

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

Section 10. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other

entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

Section 11. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 12. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 13. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value, as determined by the Board of Control.

Section 14. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 15. That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the Improvement.

Section 16. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement, including a cooperation agreement with the City of Garfield Heights.

Section 17. That this Council authorizes payment to the State of Ohio of the City's share of the Improvement.

Section 18. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 19. That the costs of this ordinance shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, from the fund or funds to which are credited any proceeds from the sale of bonds authorized by Ordinance No. 413-17, passed April 24, 2017, the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, cash matches, cash contributions accepted and appropriated under this ordinance, and from any and all funds approved by the Director of Finance. (RQS 0103, RLA 2017-16)

Section 20. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 628-17.

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to enter into an agreement or agreements with the City of Garfield Heights for the City of Garfield Heights to make the public improvement of reconstructing Johnston Parkway from McCracken Road to Velma; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing and any other relative agreements, authorizing the acquisition of any real property and easements necessary to make the improvement; and cause payment for the City's share.

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

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

Section 1. That the Director of Capital Projects is authorized on behalf of the City of Cleveland ("Cleveland") to enter into an agreement or agreements with the City of Garfield Heights ("Garfield Heights"), to allow Garfield Heights to make the public improvement of reconstructing Johnston Parkway from McCracken Road to Velma which is located in the cities of Cleveland and Garfield Heights (the "Improvement"). The Improvement shall be constructed under plans, specifications, and estimates approved by the Cities. The design, construction, and supervision of the Improvement will be arranged by Garfield Heights.

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

Section 3. That Cleveland gives consent to Garfield Heights to apply for and accept Ohio Public works Commission Issue 1 funds to partially finance the Improvement.

Section 4. That this Council requests Garfield Heights to proceed with the Improvement.

Section 5. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and 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 6. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

Section 7. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 8. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 9. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value, as determined by the Board of Control.

Section 10. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 11. That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the Improvement.

Section 12. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 13. That this Council authorizes payment to the State of Ohio of the City's share of the Improvement.

Section 14. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 15. That the costs of this ordinance shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, from the fund or funds to which are credited any

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

by the Director of Finance. (RQS 0103, RLA 2017-17)
Section 16. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.
 Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

FIRST READING ORDINANCE REFERRED

Ord. No. 598-17.

By Council Member McCormack.

An ordinance changing the Use and Area Districts of parcels on the southwest corner of Literary Road and W. 7th Street to 'RA' (Townhouse) Use District and an 'F' Area District as identified on the attached map (Map Change No. 2564).

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning at the intersection of Literary Road and W. 7th Street;

Thence southerly along the centerline of W. 7th Street to its intersection with the easterly prolongation of the southerly line of a parcel of land conveyed to 801 Literary LLC by deed dated October 30, 2009 and also known as Cuyahoga County permanent parcel number 004-16-071;

Thence westerly along said southerly line and its prolongation to its intersection with the westerly line of a parcel of land conveyed to 805/807 Literary Road LLC by deed dated October 30, 2009 and also known as Cuyahoga County permanent parcel number 004-16-072;

Thence northerly along said westerly line to its intersection with the centerline of Literary Road;

Thence easterly along said centerline to the place of origin;

And as identified on the attached map shall be changed to a 'Townhouse' District and an 'F' Area District;

Section 2. That the change of zoning of lands described in Section 1 shall be identified as Map Change No. 2564, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Proposing to change the Use and Area Districts from Multi-Family B1 to RA3-F-1

Current zoning
 Proposed Zoning RA3-F-1

Referred to Directors of City Planning Commission, Law; Committee on Development Planning and Sustainability.

**FIRST READING EMERGENCY
RESOLUTION REFERRED**

Res. No. 630-17.

By Council Member Kelley.

An emergency resolution encouraging all schools and labor unions to collaborate and work together to serve the best interest of our students, and to ensure that teachers may join a union.

Whereas, the City of Cleveland has a responsibility to provide quality education to all its students; and

Whereas, all schools should be held to the same high standards of excellence and accountability as Cleveland Metropolitan District Schools; and

Whereas, a strong labor-management relationship between the Cleveland Metropolitan School District and the Cleveland Teachers Union has historically been a model for effective collaboration between teachers and administrators; and

Whereas, unions like the Cleveland Teachers Union empower teachers to raise their collective voices on behalf of their students and colleagues without fear of reprisal; and

Whereas, the Cleveland Metropolitan School District is engaged in partnership with several charter school operators through the Cleveland Education Compact to encourage district and charter collaboration; and

Whereas, open collaboration and collective bargaining between teachers and school administration is critical toward education and providing the best learning environment for Cleveland's young people; and

Whereas, this Council supports the rights of all individuals in the city to join a labor union and engage in collective bargaining with their employers; and

Whereas, this Council calls upon all Cleveland employers to respect the rights of employees to organize into a union freely and without interference, for the purposes of collective bargaining and mutual aid; and

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

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

Section 1. That this Council encourages all schools and labor unions to collaborate and work together to serve the best interest of our students, and to ensure that teachers may join a union.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to all charter schools operating in Cleveland, charter management organizations, charter school sponsors, the Cleveland Metropolitan School District, Mayor Frank G. Jackson, and Monyka S. Price, City of Cleveland, Chief of Education.

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

Referred to Committee on Finance.

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

Ord. No. 614-17.

By Council Member Pruitt.

An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 1 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 Aging be authorized to enter into an agreement effective May 1, 2017 with Court Community Service for the Senior Lawn Care Program for the public purpose of assisting senior citizens residing in the city of Cleveland with grass cutting and lawn maintenance care through the use of Ward 1 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$29,500 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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 615-17.

By Council Member Cleveland.

An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to Burten, Bell, Carr Development to stretch a banner at East 55th Street and Scovill Avenue, near East Technical High School, for the period from May 26, 2017, to June 25, 2017, inclusive, publicizing the Annual Ward 5 Family Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to Burten, Bell, Carr Development to stretch a banner at East 55th Street and Scovill Avenue, near East Technical High School, for the period from May 26, 2017, to June 25, 2017, inclusive. Said banner

shall be approved by the Director of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

Section 2. 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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 622-17.

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

An emergency ordinance authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Public Health is authorized to enter into agreement with The MetroHealth System for the Project DAWN Program for the public purpose of providing educational programming on opioid addiction overdose and naloxone distribution to lay responders and city of Cleveland residents through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$12,000 and shall be paid from Fund No. 10 SF 188.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 623-17.

By Council Members Pruitt, McCormack, Cleveland, Conwell, Brancatelli, Cummins, Zone and Keane.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement effective June 1, 2017 with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) for the public purpose of providing theatre education and training on live arts to city of Cleveland youth through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$58,000 and shall be paid from Fund No. 10 SF 188.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 624-17.

By Council Member McCormack.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Tremont West Development Corporation for the Arts in August Expo through the use of Ward 3 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement effective July 1, 2017 with the Tremont West Development Corporation for the Arts in August Expo for the public purpose

of providing performing arts education to city of Cleveland residents through the use of Ward 3 Casino Revenue Funds.

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

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 616-17.

By Council Member Kelley.
An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 4189 Ridge Road.

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 Snappy Gas Mart, Inc., DBA Snappy Gas Mart, 4189 Ridge Road, Cleveland, Ohio 44144, Permit Number 8327854 to M Zayed, LLC, DBA Snappy Gas Mart, 4189 Ridge Road, Cleveland, Ohio 44144, Permit Number 5377774; 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 Snappy Gas Mart, Inc., DBA Snappy Gas Mart, 4189 Ridge Road, Cleveland, Ohio 44144, Permit Number 8327854 to M Zayed, LLC, DBA Snappy Gas Mart, 4189 Ridge Road, Cleveland, Ohio 44144, Permit Number 5377774; 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 617-17.

By Council Member K. Johnson.
An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3350 East 116th Street and repealing Resolution No. 223-17, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit at 7 Star LLC, DBA Kinsman Convenience & Gas, 3350 East 116th Street, Cleveland, Ohio 44120 Permit Number 85036200005 by Resolution No. 223-17 adopted by the Council on February 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 a New C1 Liquor Permit at 7 Star LLC, DBA Kinsman Convenience & Gas, 3350 East 116th Street, Cleveland, Ohio 44120 Permit Number 85036200005, be and the same is hereby withdrawn and Resolution No. 223-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 534-17.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement various projects under the 2017 IT Capital Strategic Plan; and to enter into various contracts to implement this ordinance.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 535-17.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into various written standard purchase and requirement contracts needed for citywide electronic protection materials, equipment, supplies, and services, including installation and training, and labor and materials if necessary, for the various divisions of City government, for a period of three years, with two additional one-year options to renew, exercisable by the Director of Finance.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 552-17.

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

An emergency ordinance designating East 18th Street between Euclid Avenue and Chester Avenue with a secondary and honorary designation of "Norman Krumholz Way".

Approved by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 577-17.

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

An emergency resolution urging the Ohio Senate to reject the proposed amendment to the state budget bill that gives the Ohio Department of Health exclusive authority over all lead-based paint issues statewide, and preempts Ohio cities from taking proactive efforts to prevent lead-poisoning through local inspection and enforcement.

Approved by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

MOTION

The Council Meeting adjourned at 8:14 p.m. to meet on Monday, May 22, 2017, 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

May 10, 2017

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 10, 2017 at 10:35 a.m. with Director Langhenry presiding.

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

Absent: Mayor Jackson, Directors Dumas, and McGrath.

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

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

Melissa Burrows, Director, Office of Equal Opportunity.

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

Resolution No. 234-17.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 478-16, passed by the Council of the City of Cleveland on April 25, 2016, Zenith Systems, LLC, is selected from a list of firms determined after a full and complete canvass by the Director of Finance as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to

install low voltage data communications conduit and pull boxes on the west side of Martin Luther King, Jr. Drive alongside the Cultural Gardens from St. Clair to Superior, for the Division of Information Technology and Services, Department of Finance.

Be it further resolved that the Director of Finance is authorized to enter into contract with Zenith Systems, LLC, based on its proposal dated May 3, 2017, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for a fee of \$142,151.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 235-17.

By Director Davis.

Whereas, under the authority of Ordinance No. 189-14, passed by the Council of the City of Cleveland on April 7, 2014, and Board of Control Resolutions No. 492-15 and 339-16, adopted by this Board of Control on December 16, 2015 and August 3, 2016, the City, through its Director of Public Utilities, entered into City Contract No. PS2016-028 with Partners Environmental Consulting, Inc. for professional consulting services to provide general environmental, health, safety, sustainability, engineering, and other services needed for a period of two years, in the amount of \$460,000.00, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities; and

Whereas, the City desires to modify City Contract No. PS2016-028 further to include additional funding to support ongoing DPU safety, health, and environmental project support; and

Whereas, by its March 29, 2017 letter, Partners Environmental Consulting, Inc. requested the City's consent to employ two additional subconsultants and to increase the participation amount of three previously approved subconsultants; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is authorized to enter into a first amendment to City Contract No. PS2016-028 with Partners Environmental Consulting, Inc. for performance of the above-mentioned services and increasing the fees for all services by \$444,500.00 to \$904,500.00.

Be it further resolved that Resolution No. 492-15, adopted December 16, 2015, under the authority of Ordinance No. 189-14, passed April 7, 2014, approving Chagrin Valley Engineering, Ltd. (CSB), R. E. Warner & Associates, Inc. (CSB), M.A.C. Paran Consulting Services, Inc. (FBEB), and 22 other additional subconsultants under Contract No. PS2016-028 with Partners Environmental Consulting, Inc. for professional consulting for general environmental, health, safety, sustainability, engineering, and other services needed for the Divisions of Water, Water Pollution Control and

Cleveland Public Power, Department of Public Utilities, is amended by increasing the participation of Chagrin Valley Engineering, Ltd. (CSB) from \$3,643.29 (1.00%) to \$5,000.00 (.62%), R.E. Warner & Associates, Inc. (CSB) from \$10,929.87 (3.00%) to \$30,000.00 (3.71%), and M.A.C Paran Consulting Services, Inc. (FBE) from To Be Determined "TBD" to \$10,000.00 (0.00%).

Be it further resolved that the employment of the following additional subconsultants by Partners Environmental Consulting, Inc. for the above-mentioned additional services is approved:

<u>Subconsultant</u>	<u>Work Percentage</u>
HR Construction Services, LLC (CSB/MBE/FBE)	\$14,023.16 1.73%
Solar Testing Laboratories (CSB)	\$10,000.00 1.24%

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

Nays: None.
Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 236-17.

By Director Davis.
Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subconsultant by MWH Americas, Inc. under Contract No. PS2016-224 for professional consulting services to provide the General Engineering Services IX project, and other services including, but not limited to, engineering design, preparing feasibility studies and engineering analyses, plan review, planning, construction monitoring and inspection, environmental site assessment, identification of surface and subsurface conditions, preparation of reports for regulatory agencies, specialized technical assistance, close circuit television inspection of sewers, and other related professional consulting services needed for a period of two years, for the Divisions of Water and Water Pollution Control, Department of Public Utilities on an as needed basis, is approved:

<u>SUBCONSULTANT</u>	<u>WORK PERCENTAGE</u>
T&M Associates, Inc.	\$20,480.00 0.005%

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

Nays: None.
Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 237-17.

By Director Davis.
Whereas, under the authority of Ordinances Nos. 1554-13 and 249-17, respectively passed by the Council of the City of Cleveland on February 10, 2014 and April 3, 2017, and Board of Control Resolution No. 505-16 as amended by Resolution No. 193-17, respectively adopted December 21, 2016 and April 19, 2017, the

City, through its Director of Public Utilities, entered into City Contract No. PI2017-015 with Synergy, LLC for the public improvement of the 1201 Lakeside Avenue Cooling Towers replacement in the amount of \$338,470.00, and approved the employment of Best Commercial Energy Solutions as a subcontractor, among others, for the Division of Water, Department of Public Utilities; and

Whereas, by its April 26, 2017 letter, Synergy, LLC requested the City's consent to employ two additional subcontractors and to remove Best Commercial Energy Solutions as a subcontractor because its services are no longer needed; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 505-16 as amended by Resolution No. 193-17, respectively adopted December 21, 2016 and April 19, 2017 under the authority of Ordinances Nos. 1554-13 and 249-17, respectively passed February 10, 2014 and April 19, 2017, for the public improvement of the 1201 Lakeside Avenue Cooling Towers replacement is amended by deleting Best Commercial Energy Solutions as a subcontractor.

Be it further resolved that the employment of the following additional subcontractors by Synergy, LLC for the above-mentioned public improvement is approved.

<u>SUBCONTRACTORS</u>	<u>WORK PERCENTAGE</u>
AmeriSeal & Associates (non-certified)	\$16,100.00 0.00%
Wadsworth Solutions (non-certified)	\$ 7,598.00 0.00%

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

Nays: None.
Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 238-17.

By Director Spronz.
Be it resolved by the Board of Control of the City of Cleveland that the bids received on March 30, 2017 for the public improvement of the 2016 Safety Surface Repair Improvements for the Office of Capital Projects, pursuant to the authority of Ordinance No. 646-16, passed by the Council of the City of Cleveland on July 13, 2016, are rejected.

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

Nays: None.
Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 239-17.

By Director Spronz.
Whereas, under City of Cleveland Agreement Number PI2017-2 dated January 25, 2016, the Perk Company is performing work for the public improvement of Clark Ave. (Lorain Ave. to West 41st Street), for the Division of Engineering and Construction, Office of Capital Projects, in the aggregate amount of \$7,892,775.07; and

Whereas, Perk Company, wishes to use the services of additional subcontractors; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractors by Perk Company for the above mentioned public improvement is approved:

Down to Earth (CSB) — \$22,002.25 — (0.3%)
Van Curen Services (Other) — \$10,775.00 — (0.1%)
Bricon Engineering (Other) — \$1,650.00 — (0.02%)
Mr. Excavator (Other) — \$40,850.00 — (0.5%)

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

Nays: None.
Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 240-17.

By Director Cox.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of The W.W. Williams Company, LLC, for an estimated quantity of maintenance and repair of generators and related components, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for a period of three years, beginning with the date of execution of a contract, received on March 2, 2017 under the authority of Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$279,076.63 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services specified.

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

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

Nays: None.
Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 241-17.

By Director Cox.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of ThomasLane, Inc. dba Innovation Foods, for an estimated quantity of 2017 summer food service program breakfasts and lunches, all items, for the Division of Recreation, Department of Public Works, for a period of one year, beginning with the date of execution of a contract, received on April 12, 2017 under the authority of Ordinance No. 1200-16, passed by Cleveland City Council on November 14, 2016, which on the basis of the estimated quantity would amount to \$360,000.00 (Net), is affirmed and approved as the lowest and best bid,

and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services specified.

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

Be it further resolved by the Board of Control that the employment of the following subcontractors by Thomas Lane, Inc. dba Innovation Foods, is approved:

<u>Subcontractor</u>	<u>Amount</u>	<u>Percentage</u>
Green City Growers	\$15,000.00	4.16%
Quarry Hill Orchards	\$27,900.00	7.75%

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

Nays: None.
Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 242-17.

By Director Cosgrove.
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. 123-21-144 located at 5043 Finn 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. Tillett and Yvonne R. Tillett have 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 5 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 Robert L. Tillett and Yvonne R. Tillett for the sale and development of Permanent Parcel No. 123-21-144 located at 5043 Finn 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, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 243-17.

By Director Cosgrove.
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. 104-15-104 located at 1220 East 61st 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, Clara M. Dyer has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the 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 Clara M. Dyer for the sale and development of Permanent Parcel No. 104-15-104 located at 1220 East 61st 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, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 244-17.

By Director Cosgrove.
Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program")

according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 126-30-021, 126-30-022, 126-30-072 and 126-30-096 located on Kinsman Road and East 81st 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, The Zone LLC has proposed to the City to purchase and develop the parcels for the Box Spot container park; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 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 parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with The Zone LLC for the sale and development of Permanent Parcel Nos. 126-30-021, 126-30-022, 126-30-072 and 126-30-096 located on Kinsman Road and East 81st Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcels shall be \$3,600.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

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

Nays: None.
Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 245-17.

By Director Cosgrove.
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. 129-15-067 located at 2837 East 122nd 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, Cleveland Green Homes II L.P. 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 6 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 Cleveland Green Homes II L.P. for the sale and development of Permanent Parcel No. 129-15-067 located at 2837 East 122nd 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, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 246-17.

By Director Cosgrove.

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. 136-17-013 located at 4068 East 110th 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, Viola P. Burns 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 2 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 Viola P. Burns for the sale and development of Permanent Parcel No. 136-17-013 located at 4068 East 110th 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, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 247-17.

By Director Cosgrove.

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. 126-05-051 located at 8606 Beckman 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, Homer H. Lacey III 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 6 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 Homer H. Lacey III for the sale and development of Permanent Parcel No. 126-05-051 located at 8606 Beckman 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, Cosgrove,

West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 248-17.

By Director Cosgrove.

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. 134-13-080 located at 7707 Goodman 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, Garfield Johnson have 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 2 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Garfield Johnson for the sale and development of Permanent Parcel No. 134-13-080 located at 7707 Goodman 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, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

Resolution No. 249-17.

By Director Cosgrove.

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. 131-30-039 located at 3601 East 46th Street, Cleveland, Ohio, 44105; 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, Annette L. Lambert has proposed to the City to purchase the parcel for side yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 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 Annette L. Lambert for the sale of Permanent Parcel No. 131-30-039, 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, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and McGrath.

JEFFREY B. MARKS, Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

CIVIL SERVICE NOTICE

ANNOUNCEMENTS — 2017 Filing Beginning 5/19/2017

Table with 4 columns: Annon-cement No., Exam Method, Classification, Exam Type. Rows include Chief Radio Dispatcher (Promo), Engineering & Construction Inspector (Open), and WR/TY Senior Data Conversion Operator (Open).

PROOF OF CITY RESIDENCY

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present at the time of filing. The Civil Service Commission requires a minimum of three items from at least three different categories, where applicable. All items must be current. Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

Lease - from rental agency.

Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.

Utility bills bearing the property address and your name.

Post Office change of address form properly date stamped.

Official documents relating to home ownership including deed, purchase agreement, or insurance policy.

Bank statements (Within last three months).

School registration of children.

Car insurance documents.

Car registration or Driver's License or Ohio I.D. (One only).

Loans and credit card statements (Within last three months).

Rental contracts (e.g.: furniture, tools, car, etc.).

Current bills not listed above (Within last three months).

The following are examples of unacceptable categories of proof:

Library cards.

Voter registration cards.

Birth certificates.

Notarized letters or affidavits.

Social Security card.

Rental receipts from independent party without cancelled checks or money order receipt.

APPROVED C.S.C. MINUTES ANNOUNCEMENT NO. 79

CHIEF RADIO DISPATCHER (PROMO)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of a promotional examination for the above classification.

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:

http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 19, 2017 UNTIL 11:59 PM. ON THURSDAY, JUNE 1, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, JUNE 1, 2017.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at CS@city.cleveland.oh.us.

NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.

SALARY: The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$47,070.48 - \$51,328.22 per Year.

EXAMINATION INFORMATION

TYPE: WRITTEN TEST: Candidates will be notified via email about the time, date, and place of the exam.

NOTE: A copy of the High School Diploma or GED as well as the LEADS certification must be uploaded to your application in either

a PDF or JPEG format. In lieu of a HS Diploma, you may submit a copy of your transcripts or a letter from your high school or Board of Ed. saying you graduated (on official letter-head) or a copy of a degree if applicable.

Duties:

Under supervision, supervises the activities performed by Division of Police, Bureau of Communications civilian staff on a given shift. Ensures that 9-1-1 and other division emergency and non-emergency telephone lines are answered in a timely manner. Schedules daily work assignments, maintains employee time cards. Coordinates employee time-off requests to ensure adequate staffing levels. Conducts daily random monitoring of employees, yearly employee performance evaluations, and quarterly sick use evaluations. Makes recommendations to bureau Commander regarding potential sick abuse. Offers employees guidance and direction related to citizens' calls for assistance. Assists employee in determining proper priority code for a police call for service, as needed. Closely monitors and evaluates the development of new employees, offering advice and coaching when needed and identifying areas where additional training is needed. Makes appropriate notifications regarding newsworthy incidents. Notifies specialized police units to respond to the scene of an incident. Coordinates police communication for special events and emergencies. Responds to requests for information from the media and other Division personnel. Handles calls from citizens related to complaints of Division misconduct. Investigates complaints against subordinates, compiles evidence, and makes recommendations on these complaints to the bureau Commander. Provides documentation reports to the bureau Commander. Offers recommendations on bureau policy and operation. Maintains personnel records, various lists, logs and other documentation. Troubleshoots equipment malfunctions, contacts vendors for repairs as needed. Participates in community public safety meetings and provides tours of the bureau to citizens and other groups. When required, performs the duties of "officer in charge" (OIC), during their tour of duty. Performs other job-related duties as required. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

Minimum Qualifications

A High School Diploma or GED is required. Five years of full time radio dispatch experience with the City of Cleveland is required. Must possess LEADS certification. Must currently be a Police Radio Dispatcher with Regular status for the City of Cleveland. Must successfully complete and earn certification in the Association of Public Safety Communications Officials (APCO) Public Safety Telecommunicator 1 course within three months of promotion.

NOTE: Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.

NOTE: Seniority credit will be calculated as of June 1, 2017.

ANYONE WHO WISHES TO REQUEST AN ACCOMMODATION MUST DO SO **AT THE TIME OF FILING.** THE COMMISSION WILL CONTACT THE INDIVIDUAL CONCERNING SUCH ACCOMMODATION PRIOR TO THE EXAMINATION. THE COMMISSION MAY REFUSE TO PROVIDE SUCH ACCOMMODATION IF IT IS NOT REASONABLE OR WOULD CONSTITUTE AN UNDUE HARDSHIP. CURRENT (WITHIN ONE YEAR) DOCUMENTATION SUPPORTING THE NEED FOR THE REQUESTED ACCOMMODATION IS REQUIRED. SUCH DOCUMENTATION SHOULD BE SUBMITTED AT THE TIME OF FILING.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 80

ENGINEERING & CONSTRUCTION INSPECTOR - (Division of Engineering & Construction) (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open examination for the above classification.

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 19, 2017 UNTIL 11:59 P.M. ON THURSDAY, JUNE 1, 2017. **NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, JUNE 1, 2017.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via

email. Any updates of email or your online profile must be made at: CS@city.cleveland.oh.us.

NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.

SALARY: The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$20.12 - \$22.12 per Hour.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: All copies of diplomas, licenses, certificates, resumes and any other documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

Duties:

Under supervision, inspects the construction of sewers. Examines paving construction and maintenance work. Insures compliance with contract plans, specifications, and good workmanship, and performs relative duties as required. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

Minimum Qualifications:

A High School Diploma or GED is required. Two years of full time paid field experience in inspecting progressively larger civil engineering projects involving the construction, installation, repair and/or maintenance of sidewalks, roadways, bridges and public utilities for projects of at least \$1 million is required. (Substitution: A Construction Technician certification may substitute for the two years of experience lacking). A valid State of Ohio Driver's License is required.

NOTE: Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission **at the time of filing** application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination.

THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 10

SR DATA CONVERSION OPERATOR (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open competitive examination for the above classification.

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 19, 2017 UNTIL 11:59 P.M. ON THURSDAY, JUNE 8, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, JUNE 8, 2017.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at: CS@city.cleveland.oh.us.

NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.

SALARY: The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$13.47 - \$19.37 per Hour.

EXAMINATION INFORMATION

NOTE: CANDIDATES THAT HAVE FILED FOR THIS EXAM BUT HAVE NOT TESTED DO NOT NEED TO APPLY THIS TIME.

TYPE: WRITTEN TEST: 100% of Final Grade.

TYPING TEST: This portion is Pass Fail. Applicants will be notified of the time, date, and place of the examinations.

NOTE: CANDIDATES MUST BE ABLE TO TYPE 45 WPM (Gross words per minute minus errors). FAILURE TO OBTAIN 45 WPM MEANS THAT THE CANDIDATE WILL RECEIVE A FINAL GRADE OF ZERO.

NOTE: All copies of diplomas, licenses, certificates, resumes and any other required documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

Duties:

Under direct supervision, is responsible for conversion of data to machine readable form on card, tape, or direct access. Assists in the training of Data Conversion Operators and assumes the duties of the supervisor in his/her absence. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

Minimum Qualifications

A High School Diploma or GED is required. Three years of full time paid experience as a computer operator is required. A valid State of Ohio Driver's License is required. Must be able to type 45 words per minute.

NOTE: Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission at the time of filing application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions

that applicant shall receive an additional five (5) points added to their raw score on the examination.

THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.

ANYONE WHO WISHES TO REQUEST AN ACCOMMODATION MUST DO SO AT THE TIME OF FILING. THE COMMISSION WILL CONTACT THE INDIVIDUAL CONCERNING SUCH ACCOMMODATION PRIOR TO THE EXAMINATION. THE COMMISSION MAY REFUSE TO PROVIDE SUCH ACCOMMODATION IF IT IS NOT REASONABLE OR WOULD CONSTITUTE AN UNDUE HARDSHIP. CURRENT (WITHIN ONE YEAR) DOCUMENTATION SUPPORTING THE NEED FOR THE REQUESTED ACCOMMODATION IS REQUIRED. SUCH DOCUMENTATION SHOULD BE SUBMITTED AT THE TIME OF FILING.

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT BENNETT,
President

May 17, 2017.

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, MAY 30, 2017

9:30 A.M.

Calendar No. 17-113: 1432 West 48th Street (Ward 3)

Fairfield Development LLC., owner, proposes to erect a two story frame rear addition with an attached garage in a B1 Two Family District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 359.07 which states that all driveways shall be graded for drainage and surfaced with asphalt or concrete or similar surface and maintained in good condition (driveway currently covered with grass).

2. Section 355.04(a) which states that the Maximum Gross Floor area shall not exceed 50% of lot area or in this case 2,138 square feet and the appellant is proposing 2,262.

3. Section 357.09(b)(2)(B) which states that the Required Interior Side Yard shall not be less than 5.09" and the appellant is proposing proposed 2 feet.

4. Section 357.08(b)(1) which states that the Required Rear Yard is 20.36' and the appellant is proposing 10'. (Filed April 17, 2017)

Calendar No. 17-114: 2262 East 73rd Street (Ward 5)

Sharon Vaughn, owner, proposes to establish use as a "Type A" Daycare in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of Section 337.03 which states that a daycare and its uses shall not be less than 15 feet from any adjoining premises in a residence district. (Filed April 17, 2017)

Calendar No. 17-115: 4747 Grayton Road (Ward 17)

Sysco Food Services of Cleveland, owner, proposes to install an 8' tall chain link fence with 12 inches of barbed wire on top located approximately 200 feet back of the public right of way in a C2 Semi-Industry District. The owner appeals for relief from the strict application of Section 358.05(a)(2) of the Cleveland Codified Ordinances which states that Fences in actual front yards and in side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (%) open above (2) feet in height. In actual rear yards and actual interior side yards, fences shall not exceed six (6) feet in height and may be open or solid. (Filed April 17, 2017)

Calendar No. 17-116: 3144 Woodbine Avenue (Ward 3)

Constance Weinert Homes, owner, proposes to install a condenser unit within the side street yard in a B1 Two Family Residential District. The owner appeals for relief from the strict application of Section 357.13 of the Cleveland Codified Ordinances which states that the condensing unit along the side street yard within 5 feet of the side street property line (357.05) is not a permitted encroachment. (Filed April 21, 2017)

Calendar No. 17-117: 4610 Grayton Road (Ward 17)

William and Cynthia Marconi, owners, propose to erect a 36' x 64' two story frame single family residence with attached garage in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.06(a) which states that the Required Front Yard setback is 40 feet and the appellant is proposing 0 feet, (average setback line of existing dwellings).
2. Section 327.02(a) which states that the required easements shall be recorded and approved by Engineering and Construction. (Filed April 24, 2017)

Calendar No. 17-118: 15701 Westdale Avenue (Ward 17)

Norma Abookire, owner, proposes to install a 6 foot tall wooden privacy fence in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(a) which states that fences in actual front yard and in actual side street yards shall not exceed four (4) in height and shall be at least fifty percent (50%) open. A 6 foot high fence is proposed within the side yard.
2. Section 358.03(a) which states that no portion of a fence located within thirty (30) feet of the intersection of two (2) street right of way lines shall exceed two and one half (2-1/2) feet in height, unless all portions of the fence above two and one half (2-1/2) feet in height are at least seventy five percent (75%) open. The same restrictions shall apply to any portion of a fence located along and parallel to a driveway within fifteen (15) feet of its intersection with a public sidewalk or public street if no sidewalk is present. (Filed April 21, 2017)

Calendar No. 17-119: 1362 West 58th Street (Ward 15)

Matt Lindsay, prospective purchaser, proposes to erect a 3 story 2,800 square foot two family residence with attached garage on a City of Cleveland Land Bank Lot located in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the Maximum gross floor area in a "B" area district shall not exceed 1/2 the lot area, or in this case 1,620 square feet. The minimum lot width for a two family residence in a "B" area district is 50 feet; a 30' wide lot is proposed. The minimum lot area for a two family residence in a "B" area district is 6,000 square feet and the proposed lot area is 3,240 square feet.

2. Section 357.09(b)(2)(B) which states that in a Two-Family District no interior side yard, shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. Building height is approximately 35' - 0" thus no interior side yard shall be less than 8' - 9" ; a 3' - 0" side yard is proposed and the aggregate width of side yards is 6' - 0".

3. Section 357.08 which states that the depth of required rear yard shall be not less than the height of the main building which in this case is 35' - 0" and a 15' - 0" rear yard is proposed.

4. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. The proposed distance to main building on adjoining lot is 3' - 9".

5. Section 358.03(a) which states that no portion of a fence (walls, conifer trees, hedges) located within thirty (30) feet of the intersection of two (2) street right-of-way lines shall exceed two and one-half (2-1/2) feet in height, unless all portions of the fence above two and one-half (2-1/2) feet in height are at least seventy-five percent (75%) open. The same restrictions shall apply to any portion of a fence located along and parallel to a driveway within fifteen (15) feet of its intersection with a public sidewalk or public street, if no sidewalk is present. (Filed April 24, 2017)

Calendar No. 17-120: 2501 Thurman Avenue (Ward 3)

6603 Cedar Inc., owner, proposes to erect a new 18' - 8" x 38' single family townhouse on a parcel located in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that off-street parking space shall be properly graded and drained within the lot.
2. Section 349.07(c) which states that a driveway used to provide accessibility to accessory off-street parking spaces shall be arranged to minimize traffic congestion.
3. Section 353.02(b) which states that the maximum height allowed is 35 feet and 40' - 8" are proposed.

4. Section 355.04 (b) which states that the minimum required lot width is 40 feet and 23' - 8" are proposed.

5. Section 355.04(b) which states that the minimum required lot area is 4,800 square feet and 2,508 square feet are proposed.

6. Section 357.08(b)(1) which states that the required rear yard is 40 feet and 20 feet are proposed.

7. Section 357.09(2)(A) which states that no building shall be erected less than 10 feet from a main building on an adjoining lot within a Residence District and 0' are proposed.

8. Section 357.09(2)(B) which states that the minimum required interior yard is 3 feet and 0' are proposed, nor shall both interior side yards be less than 10' on the same premises and 3 feet are proposed.

9. Section 358.03(a) which states that fence located parallel to a driveway are required to be 75% open and a 4 foot solid masonry fence is proposed. (Filed April 24, 2017)

Calendar No. 17-121: 2503 Thurman Avenue (Ward 3)

6603 Cedar Inc., owner, proposes to erect a new 18' - 8" x 38' single family townhouse on a parcel located in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that off-street parking space shall be properly graded and drained within the lot.

2. Section 349.07(c) which states that a driveway used to provide accessibility to accessory off-street parking spaces shall be arranged to minimize traffic congestion.

3. Section 353.02(b) which states that the maximum height allowed is 35 feet and 40' - 8" are proposed.

4. Section 355.04 (b) which states that the minimum required lot width is 40 feet and 18' - 8" are proposed.

5. Section 355.04(b) which states that the minimum required lot area is 4,800 square feet and 1,429 square feet are proposed.

6. Section 357.08(b)(1) which states that the required rear yard is 40 feet and 20 feet are proposed.

7. Section 357.09(2)(A) which states that no building shall be erected less than 10 feet from a main building on an adjoining lot within a Residence District and 0' are proposed.

8. Section 357.09(2)(B) which states that the minimum required interior yard is 3 feet and 0' are proposed, nor shall both interior side yards be less than 10' on the same premises and 0' feet are proposed.

9. Section 358.03(a) which states that fence located parallel to a driveway are required to be 75% open and a 4 foot solid masonry fence is proposed. (Filed April 24, 2017)

Calendar No. 17-122: 2505 Thurman Avenue (Ward 3)

6603 Cedar Inc., owner, proposes to erect a new 18' - 8" x 38' single family townhouse on a parcel located in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that off-street parking space shall be properly graded and drained within the lot.

2. Section 349.07(c) which states that a driveway used to provide accessibility to accessory off-street parking spaces shall be arranged to minimize traffic congestion.

3. Section 353.02(b) which states that the maximum height allowed is 35 feet and 40' - 8" are proposed.

4. Section 355.04 (b) which states that the minimum required lot width is 40 feet and 23' - 8" are proposed.

5. Section 355.04(b) which states that the minimum required lot area is 4,800 square feet and 2,508 square feet are proposed.

6. Section 357.08(b)(1) which states that the required rear yard is 40 feet and 20 feet are proposed.

7. Section 357.09(2)(A) which states that no building shall be erected less than 10 feet from a main building on an adjoining lot within a Residence District and 0' are proposed.

8. Section 357.09(2)(B) which states that the minimum required interior yard is 3 feet and 0' are proposed, nor shall both interior side yards be less than 10' on the same premises and 3 feet are proposed.

9. Section 358.03(a) which states that fence located parallel to a driveway are required to be 75% open and a 4 foot solid masonry fence is proposed. (Filed April 24, 2017)

Calendar No. 17-123: 2162 West 83rd Street (Ward 15)

Dan Cull, owner, proposes to convert an existing two family residence to a three family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of 337.03(c) of the Cleveland Codified Ordinances which states that a three family residence is not permitted use in a two family residential zoning district. 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 the square feet of lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355, and 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. The square feet of the lot area is not in accordance with the area regulations of parking requirement. Chapter 355.04 requires 2,400 square feet of lot area for area for each dwelling unit in a "B" area district: a 7,200 square foot lot area is required, a 4,760 square foot lot area is provided. Three parking spaces are not provided on the premises. (Filed April 24, 2017)

Calendar No. 17-137: 4506 Lorain Avenue (Ward 3)

Northcoast Shuffleboard Club, owner, proposes to erect a 4,000 square foot addition to building and establish use of new expanded space as bar, restaurant, and amusement/recreation use with indoor and outdoor shuffleboard courts and patio, and 20 car parking lot. The project area includes 5 separate parcels (to be consolidated) that are located in a B1 Two-Family Residential District or a C2 Local Retail Business District and a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b) which states that Amusement/recreation use is not permitted in a Two Family Residential District or a Local Retail Business District but first permitted in General Retail Business District per Zoning Code Section 342.11(b)(2)(L), and only in such district if use is at least 500 feet from residence district per section 347.12(a)(2)(b). The proposed use is located within a residence district.

2. Section 337.03(b) which states that the proposed 20 car parking lot is not permitted in Two Family Residential District.

3. Section 349.04(e) which states that a Parking Area equal to two times the gross floor area is required after 1/3 parking reduction allowed for use in Pedestrian Retail overlay district section 342.23(i). The gross floor area is approximately 10,500 square feet requiring a 21,000 square feet parking area.

4. Sections 352.08 through 352.12 which state that a six foot wide landscape frontage strip is required where proposed parking lot abuts a street. No landscaping is proposed. These sections also state that a ten foot wide landscaped transition strip providing 75% year round opacity is required where the expanded use abuts the Two-Family Residential District. Also, the Dumpster is located in required landscape transition strip area. Landscape plan is required.

5. Sections 358.03 and 358.04 which state that the proposed six foot tall board on board fence is not permitted in the established front yard line of residence district and is not permitted to run parallel to a driveway within 15 feet of its intersection with the sidewalk.

6. Section 343.23(g)(3) which states that a building with an outdoor café can be setback a maximum of 15 feet where a 58 foot setback is proposed. (Filed May 3, 2017)

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 15, 2017

At the meeting of the Board of Zoning Appeals on Monday, May 15, 2017 the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED:**

Calendar No. 17-78: 2209 Professor Avenue

Two Docs LTD, owner, proposes to erect a 1,900 square foot 3 story townhouse (as part of 4 unit townhouse building) in a C1 General Retail Business District.

Calendar No. 17-106: 1448 West 54th Street

Westshore Properties, owner, proposes split the lot and change use of existing two family residence to a 16' x 40' 3 story single family residence.

Calendar No. 17-107: 1446 West 54th Street

Westshore Properties, owner, proposes split the lot and change use of existing two family residence to a 16' x 40' 3 story single family residence.

Calendar No. 17-124: 7901 Halle Avenue

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

Calendar No. 17-125: 5515 Ira Avenue

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

Calendar No. 17-126: 11800 Mt. Overlook Avenue

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

Calendar No. 17-131: 18400 Schenely Avenue

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

Calendar No. 17-132: 3900 East 75th Street

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

The following appeals were **DENIED:**

None.

The following appeal was **WITHDRAWN:**

Calendar No. 17-104: Elena Schilla, Trustee
18009 Puritas Avenue.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

Calendar No. 17-67: Halmarnie Inc.
3155 East 68th Street. Postponed to June 5, 2017.

Calendar No. 17-72: Richard Dillon and Michael Varvaro
6702 Father Caruso. Postponed to June 5, 2017.

Calendar No. 17-73: Richard Dillon and Michael Varvaro
6704 Father Caruso. Postponed to June 5, 2017.

Calendar No. 17-102: Orlando Irizarry
6410 West Clinton Avenue. Postponed to June 19, 2017.

Calendar No. 17-108: Janna Investment
4835 Broadview Road. Postponed to June 12, 2017.

The following cases were heard by the Board of Zoning Appeals on Monday, May 8, 2017 and the decisions were adopted and approved on Monday, May 15, 2017:

The following appeals were **APPROVED:**

Calendar No. 17-75: 11702 Euclid Avenue
Euclid 117 LLC, owner, proposes to construct a four story, 53 unit

apartment building on a parcel that is located in C3 General Retail Business and B2 Semi-Industry District.

Calendar No. 17-81: 4902 Superior Avenue

Ihab Wattar, owner, proposes to alter the interior of the building to expand his retail sales business in a C3 Semi-Industry District.

Calendar No. 17-82: 1148 Euclid Avenue

CAC Project 2014 LLC, owner, proposes to change use from office and assembly to multi-family and assembly in an E5 General Retail Business District.

Calendar No. 17-83: 2001 West 17th Street

Jeremy Began, owner, proposes to erect a 3 story, 3,100 square foot single family house with an attached garage on a 3,333 square foot lot in a C1 Two-Family Residential district.

Calendar No. 17-100: 12703 Triskett Road

T69P Properties, owner, proposes to establish use as office, storage and screen printing in an A1 One Family Residential District.

Calendar No. 17-101: 1228 Euclid Avenue

1228 Euclid Ave. LTD, owner, proposes to change use of floors 6 through 11 from business to 122 residential units in an E6 General Retail Business District.

Calendar No. 17-111: 4800 Ruffini Court

ETC Commercial Property LLC, owner, proposes to construct a new 2 story building and parking lot in an A3 General Industry District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On Development, Planning and Sustainability

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Tuesday, May 23, 2017 9:30 a.m.

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing in the Mer-

cedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Tuesday, May 23, 2017, at 9:30 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 439-17.

By Council Member McCormack. An ordinance changing the Use, Area and Height Districts of lands in the Walworth Run area, along the Cuyahoga River south of Carter Road and along West 14th Street (Map Change No. 2560).

Ord. No. 440-17.

By Council Member McCormack. An ordinance changing the Area District of land along Detroit Ave between West 28th Street and West 29th Street and Establishing a PUD within the same boundary (Map Change No. 2562).

Anthony Brancatelli, Chair Committee on Development, Planning and Sustainability

May 10, 2017 and May 17, 2017

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On Development, Planning and Sustainability

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Tuesday, May 30, 2017 9:30 a.m.

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Tuesday, May 30, 2017, at 9:30 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 462-17.

By Council Member Kazy. An ordinance changing Use of land along Lorain Avenue and along West 140th Street to be rezoned from GR-C2 to LR-G2 and MF-G2 (Map Change No. 2561).

Ord. No. 553-17.

By Council Member Zone. An ordinance changing the Use, Area and Height Districts of lands between West 70th Street and West 76th Street, south of the Lake Shore & Michigan Southern Railroad right-of-way as identified on the attached map (Map Change No. 2557).

Ord. No. 554-17.

By Council Member McCormack. An ordinance to approve the Stage Two Planned Unit Development (PUD) application for lands designated as a PUD District in Map Change 2562 (Ord. 440-17) (Map Change No. 2563).

Anthony Brancatelli, Chair Committee on Development, Planning and Sustainability

May 17, 2017 and May 24, 2017

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, JUNE 2, 2017

File No. 65-17 — TOC (Total Organic Carbon)/TN (Total Nitrogen) Analyzer and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28 of the Codified Ordinances of Cleveland, Ohio, 1976. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 18, 2017 AT 10:00 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 66-17 — Valves and Appurtenances (Groups A, B and C), for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 18, 2017 AT 10:30 A.M. THE DISTRIBUTION AND MAINTENANCE FACILITY, 4600

HARVARD AVENUE, CLEVELAND, OHIO 44105.
NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

May 10, 2017 and May 17, 2017

FRIDAY, JUNE 9, 2017

File No. 64-17 — Various Recreation Center Improvements - John F. Kennedy Recreation Center - Bid Package #1 - Pool Ceiling Demolition, for the Division of Architecture and Site Development, Office of Capital Projects, 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 TWENTY-FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 18, 2017 AT 10:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OHIO 44114.

MANDATORY SITE VISITS WILL BE HELD AT JOHN F. KENNEDY RECREATION CENTER, 17300 HARVARD AVENUE, CLEVELAND, OHIO 44128, THURSDAY, MAY 18, 2017 AND TUESDAY, MAY 23, 2017 FROM 2:00 TO 3:00 P.M. IF A BIDDER DOES NOT ATTEND ONE OF THE MANDATORY SITE VISITS, AS EVIDENCED BY THE SITE VISITS' SIGN-IN SHEETS, THE BIDDER'S BID SHALL BE CONSIDERED NON-RESPONSIVE.

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).

May 10, 2017 and May 17, 2017

WEDNESDAY, JUNE 14, 2017

File No. 67-17 — First Energy Stadium Chiller Replacement (Re-Bid), for the Division of Architecture and Site

Development, Department of Public Works and Office of Capital Projects, as authorized by Ordinance No. 805-16, passed by the Council of the City of Cleveland, August 10, 2016.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 25, 2017 AT 10:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OHIO 44114. A SITE VISIT IS SCHEDULED FOR FRIDAY, MAY 26, 2017 FROM 9:00AM TO 11:00AM.

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).

May 17, 2017 and May 24, 2017

ADOPTED RESOLUTIONS AND ORDINANCES

REPRINT

Ord. No. 417-17.

By Mayor Jackson and Council Members K. Johnson and Kelley.

An emergency ordinance authorizing the purchase by one or more written standard purchase and requirement contracts of various on-road vehicles, apparatus, and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, for the Director of Public Works.

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

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

Section 1. That, provided this Council authorizes and the City sells subordinated lien income tax bonds in 2017 for the purposes that include the purchases authorized in this ordinance, the Director of Public Works is authorized to make one or more written standard purchase contracts and requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Director, of the purchase of the necessary items of various on-road vehicles, apparatus, and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, in the estimated sum of \$9,428,185, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

Item Description	Division	Quantity	Estimated Cost	Extended Cost
TRUCKS HEAVY (B)- Rear Loader w/Cart Tipper	Waste Collection	5	\$325,437.00	\$1,627,185.00
AUTOMATED REFUSE TRUCK REHABILITATION	Waste Collection	Misc	\$200,000.00	\$200,000.00
Waste Collection Total				\$1,827,185
TRUCK-HEAVY Single Axle Dump	Streets	2	\$170,000.00	\$340,000.00
TRUCK-HEAVY Tandem Axle Dump	Streets	2	\$210,000.00	\$420,000.00
STREET SWEEPER	Streets	4	\$185,000.00	\$740,000.00
LEAF VACUUM MACHINE	Streets	2	\$65,000.00	\$130,000.00
LEAF VACUUM MACHINE (Rehabilitation)	Streets	Misc	\$90,000.00	\$90,000.00
Streets Total				\$1,720,000
TRUCK-AERIAL W/CHIPPER BODY	Park Maintenance	1	\$200,000.00	\$200,000.00
CHIPPER	Park Maintenance	1	\$56,000.00	\$56,000.00

LIGHT TRUCK	Park Maintenance	2	\$33,000.00	\$66,000.00
ATTACHMENTS	Park Maintenance	Misc	\$150,000.00	\$150,000.00
RIDING MOWERS	Park Maintenance	4	\$12,000.00	\$48,000.00
MOWER-Walk Behind	Park Maintenance	4	\$5,000.00	\$20,000.00
TRACTOR	Park Maintenance	2	\$33,000.00	\$66,000.00
Park Maintenance Total				\$606,000
Public Works Total				\$4,153,185
PASSENGER CAR Marked w/Police pkg	Police	45	\$42,000.00	\$1,890,000.00
PASSENGER CAR Unmarked w/Police pkg	Police	10	\$36,500.00	\$365,000.00
PASSENGER CAR Unmarked	Police	20	\$25,000.00	\$500,000.00
SUV - Marked w/Police pkg	Police	10	\$45,000.00	\$450,000.00
Motorcycle- Marked w/Police pkg	Police	5	\$25,000.00	\$125,000.00
Light Duty Truck-Pick Up	Police	3	\$35,000.00	\$105,000.00
Passenger Van	Police	2	\$25,000.00	\$50,000.00
Police Total				\$3,485,000
Ambulance	EMS	5	\$280,000.00	\$1,400,000.00
Light Truck-SUV	EMS	1	\$75,000.00	\$75,000.00
EMS Total				\$1,475,000
Light Truck	Corrections	7	\$45,000.00	\$315,000.00
Corrections Total				\$315,000
Public Safety Total				\$5,275,000
				\$9,428,185.00

Bids shall be taken in such manner as to permit 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.

Section 2. That the costs of the requirement contract or contracts shall be paid from Fund No. 11 SF 006, from the fund or funds to which are credited the proceeds from the sale of subordinated lien income tax bonds for 2017 issued for the purposes that include the purchases authorized in this ordinance, and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

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

Section 4. That the cost of the standard contracts authorized shall be paid from Fund No. 11 SF 006, and from the fund or funds to which are credited the proceeds from the sale of subordinated lien income tax bonds for 2017 issued for the purposes that include the purchases authorized in this ordinance. (RQS 7015, RLA 2017-5)

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

Passed April 24, 2017.
Effective April 25, 2017.

**Res. No. 575-17.
By Council Member Dow.
An emergency resolution objecting to a New C1 Liquor Permit at 5417 Chester Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at OM Joard, LLC, DBA Chester Speedy Mart, 5417 Chester Avenue, Cleveland, Ohio 44103, Permit Number 6547021; 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 oper-

ated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at OM Joard, LLC, DBA Chester Speedy Mart, 5417 Chester Avenue, Cleveland, Ohio 44103, Permit Number 6547021; and

requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2017.
Effective May 10, 2017.

Ord. No. 361-17.
By Council Members Pruitt and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Great Lakes Observing System for professional services necessary to lease, deploy, maintain, and retrieve two buoys and sondes, and for the regular calibration, monitoring, collecting, and measuring of Lake Erie water quality, for the Division of Water, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Great Lakes Observing System ("GLOS") for professional services necessary to lease, deploy, maintain, and retrieve two buoys and sondes, and for the regular calibration, monitoring, collecting, and measuring of Lake Erie water quality, for a period of two years on the basis of GLOS' proposal dated March 8, 2017, in the total sum of \$98,000, for the Division of Water, Department of Public Utilities. The contract or contracts shall be paid from Fund No. 52 SF 001, RQS 2002, RL 2017-27.

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

Passed May 8, 2017.
Effective May 10, 2017.

Ord. No. 387-17.
By Council Members Keane and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts without competitive bidding

with United Airlines, Inc. for the purchase of two used passenger loading bridges, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Whereas, in 2016, United Airlines, Inc. ("United") reduced the number of gates it leased from the City of Cleveland, Department of Port Control, at Cleveland Hopkins International Airport (the "Airport") and removed its passenger loading bridges (aka "jetbridges") from all such unleased gates except gates C-10 and C-14; and

Whereas, the Airport is using the gates no longer leased by United, returned to Airport control, to meet significantly increased immediate and anticipated demand by various airlines for common-use gates resulting from the addition of new air carriers and of new flights by existing air carriers at the Airport, and for overflow gate use by United; and

Whereas, to operate gates C-10 and C-14 to provide adequate facilities to meet immediate and anticipated airline demand for fully equipped common-use gates, the City requires ownership and control of the jetbridges attached to those gate premises and currently in service; and

Whereas, United is willing to sell the jetbridges and necessary associated equipment at both gate C-10 and gate C-14 to the City Department of Port Control for the consideration of \$130,000.00, which amount two jetbridge maintenance and supply firms have agreed is fair market value; and

Whereas, purchase of the jetbridges currently in use at gates C-10 and C-14 will maintain immediate availability of those gates for common use and avoid the time delay and costs of purchase and delivery of jetbridges on the open market; 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 determines that the within commodities are non-competitive and cannot be secured from any source other than United Airlines, Inc. Therefore the Director of Port Control is authorized to make one or more written contracts with United Airlines, Inc. for the purchase of two (2) jetbridges at Gates C-10 and C-14 at Cleveland Hopkins International Airport, for a total sum not to exceed \$130,000.00, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Cleveland Hopkins International Airport, Department of Port Control. The contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 115, 60 SF 116, 60 SF 126, 60 SF 128, 60 SF 130, 60 SF 141, 60 SF 160, and from the fund or funds to which are credited any grants received or passenger facility charges, if authorized for this purpose, RQS 3001, RL 2017-33.

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

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

Passed May 8, 2017.
Effective May 10, 2017.

Ord. No. 388-17.
By Council Members Keane and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Grain Craft, Inc. fka Cereal Food Processors, Inc. for the lease of certain city owned property generally located at 1635 Merwin Avenue, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Grain Craft, Inc. fka Cereal Food Processors, Inc. ("Lessee") for use and occupancy of approximately 23,716 square feet of land generally located at 1635 Merwin Avenue ("Leased Premises") which space has been determined to be not needed for public use for the term of the Lease and is more fully described as follows:

**Grain Craft Legal Description
Parcel No. 101-16-005**

The City hereby grants and leases to Lessee, and Lessee hereby accepts and leases from the City, the right to use and occupy approximately 23,716 square feet of land generally located between the Cuyahoga River and Merwin Avenue, consisting of an unpaved area and being more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Sublots 23 thru 30 of the Cleveland Center Allotment of part of the Ox Bow (Case's Point) and part of French Street N.W., now vacated, as shown by the recorded plat in Volume 2, Page 21 of Cuyahoga County Map Records, and accretions thereto, but only to the "Proposed Dock Line" as shown by the City of Cleveland Cuyahoga River Dock Line Map dated December, 1941, and bounded and described as follows:

Beginning at a point in the centerline of Merwin Street, 60 feet wide, at its intersection with the centerline of French Street, 50 feet wide, and from which point a Stone Monument found bears North 83° 44' 15" West 0.17 feet;

Thence South 22° 50' 35" West along the centerline of Merwin Street, 88.76 feet to a nail set;

Thence North 67° 09' 25" West, 30.00 feet to an iron pin set in the Northwesterly line of Merwin Street at its intersection with the Southwesterly line of said Sublot 30, and the principle place of beginning of the parcel herein described;

Thence North 67° 09' 25" West along the Southwesterly line of said Sublot 30, 75.50 feet to its intersection with said Proposed Dock Line of the Cuyahoga River, and from which point an iron pin set bears South 67° 09' 25" East, 1.50 feet;

Thence North 11° 46' 06" East along said Proposed Dock Line of the Cuyahoga River, 242.17 feet to an iron pin set at an angle point, therein;

Thence North 21° 32' 35" East along said Proposed Dock Line of the Cuyahoga River, 2.01 feet to an iron pin set at its intersection with the Southwesterly line of a parcel of land conveyed to Cereal Food Processors, Inc., by deed recorded in Volume 12993 Page 677 of Cuyahoga Records;

Thence South 67° 09' 25" East along the Southwesterly line of said land conveyed to Cereal Food Processors, Inc., 122.02 feet to an iron pin found at its intersection with the Northwesterly line of Merwin Street;

Thence South 22° 50' 35" West along the Northwesterly line of Merwin Street, 239.67 feet to the principle place of beginning, and containing 23,716 square feet (0.5444 acres) of land according to the survey by Donald G. Bohning & Associates, Inc., in August, 1995;

The courses used in this description are referenced to an assumed meridian, and are used to indicated angles only.

The Leased Premises shall be used for vehicle parking associated with their adjacent flour milling operation. The term of the Lease shall be for a two year period, with three one-year options to renew, commencing on the effective date of the Lease. The first of the one-year options to renew may be exercised by the Director of Port Control only if additional legislative authority is obtained. If such additional legislative authority is granted, the second and third one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. For use of the Leased Premises, Lessee shall pay the City, as determined by an independent third-party appraisal, an annual rent of \$17,000, for the initial term, payable in 12 equal monthly installments of \$1,416.67. The lease rate for each of the options exercised shall be adjusted each year an option is exercised and is based on the United States Department of Labor, Consumer Price Index: "All Urban Consumers" Cleveland and Akron, but in no event shall be lower than the rate established during the initial term.

Section 2. That the Lease may authorize the Lessee to make improvements to the Leased Premises subject to the approval of appropriate City agencies and officials.

Section 3. That the Lease authorized by this ordinance shall be prepared by the Director of Law.

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 May 8, 2017.

Effective May 10, 2017.

Ord. No. 389-17.
By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Mid-Continent Coal and Coke Company for the lease of certain city owned property generally located at 700 Stones Levee Road, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Mid-Continent Coal and Coke Company ("Lessee") for use and occupancy of approximately 12,400 square feet of land generally located at 700 Stones Levee Road ("Leased Premises") which space has been determined to be not needed for public use for the term of the Lease and is more fully described as follows:

**Mid-Continent Coal & Coke
LEGAL DESCRIPTION OF
P.P.N. 122-20-003**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 942 through 949 in the S.S. Stone's Subdivision as shown by the plat recorded in Volume 2, Page 31 of Cuyahoga County Map Records and being part of the Original One Hundred Acres Lot No. 487 and further bounded and described as follows:

Beginning on the northwesterly line of Stone's Levee Road, (70.00 feet wide) at its intersection with the northeasterly line of Sublot No. 941 in the aforesaid S.S. Subdivision;

Thence North 70 degrees 00' 30" West along the northeasterly line of Sublot No. 941, 65.82 feet to the Dock Line of the Cuyahoga River as established by the City of Cleveland;

Thence North 21 degrees 26' 22" East along the dock Line of the Cuyahoga River, 206.94 feet to the northeasterly line of Sublot No. 949 in the said S.S. Stone's subdivision;

Thence South 59 degrees 57' 50" East along the northeasterly line of Sublot No. 949, 72.18 feet to the northwesterly line of Stone's Levee Road;

Thence South 29 degrees 10' 30" West along the northwesterly line of Stone's Levee Road, 65.67 feet to an angle point;

Thence South 19 degrees 59' 30" West continuing along the northwesterly line of Stone's Levee Road, 129.46 feet to the place of beginning and containing 0.3007 acres of land as calculated and described by North Coast Engineering and Surveying Co., Inc., in January, 1998, be the same more or less, but subject to all legal highways.

The Leased Premises shall be used for loading, unloading, and storage of coal and coke used in their business operations. The term of the Lease

shall be for a two year period, with three one-year options to renew, commencing on the effective date of the Lease. The first of the one-year options to renew may be exercised by the Director of Port Control only if additional legislative authority is obtained. If such additional legislative authority is granted, the second and third one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. For use of the Leased Premises, Lessee shall pay the City, as determined by an independent third-party appraisal, an annual rent of \$9,600, for the initial term, payable in 12 equal monthly installments of \$800.00. The lease rate for each of the options exercised shall be adjusted each year an option is exercised and is based on the United States Department of Labor, Consumer Price Index: "All Urban Consumers" Cleveland and Akron, but in no event shall be lower than the rate established during the initial term.

Section 2. That the Lease may authorize the Lessee to make improvements to the Leased Premises subject to the approval of appropriate City agencies and officials.

Section 3. That the Lease authorized by this ordinance shall be prepared by the Director of Law.

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 May 8, 2017.

Effective May 10, 2017.

Ord. No. 410-17.
By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001 PS 2015-102 with AvAirPros Services, Inc. to provide maintenance, operation, and management of the City-owned common use facilities at Cleveland Hopkins International Airport.

Whereas, under the authority of Ordinance No. 466-14, passed May 12, 2014, the Director of Port Control entered into Contract No. CT 3001 PS 2015-102 with AvAirPros Services, Inc. to provide maintenance, operation, and management of the City-owned common use facilities at Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 466-14 requires further legislation before exercising the first option to renew on this contract; 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 Port Control is authorized to exercise the first option to renew Contract No. CT 3001 PS 2015-102 for an additional year with AvAirPros Services, Inc. to provide maintenance,

operation, and management of the City-owned common use facilities at Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 466-14 to exercise this option.

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

Passed May 8, 2017.
Effective May 10, 2017.

Ord. No. 414-17.
By Council Members Pruitt and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to host and manage billing systems and related systems and activities, for the Divisions of Water and Cleveland Public Power for a period of three years, with two options to renew for additional one year periods, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Public Utilities 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 to host and manage billing systems and related systems and activities, including the design and distribution of utility bills, inserts, reminders, and delinquent notices, and to provide various services related to bill printing and mailing services, including but not limited to on-line bill payment and presentment services, for the Divisions of Water and Cleveland Public Power, as the administrators of the City's utility accounts and as the third-party administrators of utility accounts of other public entities for a period up to three years, with two options to renew for additional one year periods. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Public Utilities without the necessity of obtaining additional authority of this Council.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 52 SF 001 and 58 SF 001 for the first year of the initial term and then are subject to annual appropriation for the remaining two years of the initial term, RQS No. 2002, RL 2017-26.

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 May 8, 2017.
Effective May 10, 2017.

Ord. No. 415-17.
By Council Members Pruitt and Kelley (by departmental request).
An emergency ordinance authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as-needed basis, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of the rental of various types of heavy duty equipment, on an as-needed basis, in the approximate amount as procured during the preceding term, to be procured by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any procurement under the contract, each of which procurements 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. (Request RQN 2002, RL 2017-21)

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

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

Passed May 8, 2017.
Effective May 10, 2017.

Ord. No. 416-17.
By Council Members Pruitt and Kelley (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for handling, recycling and disposing of various chemicals, hazardous waste products and other non-hazardous and recyclable waste materials, and training, for the Division of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years, with two one-year options to renew, the first of which shall require additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years, with two one-year options to renew, for the necessary items of labor and materials necessary for analysis, identification, storage, remediation, transportation, clean-up, emergency response, recycling and disposal of various chemicals, hazardous waste products and other non-hazardous and recyclable waste materials, and training for Department of Public Utilities employees whose work involves these products and materials, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercised at the option of the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. Bids shall be taken in

a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Public Utilities shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2017-16)

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

Section 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 May 8, 2017.
Effective May 10, 2017.

Ord. No. 470-17.
By Council Members K. Johnson and Reed.

An emergency ordinance designating Gay Avenue between Glenboro Drive and East 109th Street with a secondary and honorary designation of "Hubert Lee Bobo Way".

Whereas, the citizens of Cleveland want to honor Hubert Bobo with a secondary street sign designation of "Hubert Bobo Way" in recognition of his contributions to our community; 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 Gay Avenue between Glenboro Drive and East 109th Street is designated with a secondary and honorary designation of "Hubert Lee Bobo Way".

Section 2. 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 May 8, 2017.
Effective May 10, 2017.

Ord. No. 555-17.
By Council Member Reed.
An emergency ordinance authorizing the Director of the Department of Public Health to enter into an agreement with Union Miles Development Corporation for the Health and Human Services Community Fair through the use of Ward 2 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Public Health is authorized to enter into an agreement with the Union Miles Development Corporation for the Health and Human Services Community Fair for the public purpose of providing health education and health screenings to city of Cleveland residents through the use of Ward 2 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$26,587.00 and shall be paid from Fund No. 10 SF 188.

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

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

Passed May 8, 2017.
Effective May 10, 2017.

Ord. No. 556-17.
By Council Members McCormack and Cummins.

An emergency ordinance consenting and approving the issuance of a permit for The MetroHealth Resiliency 5K, on June 11, 2017, managed by Hermes Sports and Events, Inc.

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of The MetroHealth Resiliency 5K; start: Metro Health Drive, west to Scranton Road; Scranton north to Train Avenue; Train Avenue west to Wiley Avenue; Wiley east to Scranton Road; Scranton south to Metro Health Drive—finish line; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of

Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. 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 May 8, 2017.
Effective May 10, 2017.

Ord. No. 574-17.
By Council Member Kelley.
An emergency ordinance authorizing and directing the Director of Office of Capital Projects to issue a permit to Mary Queen of Peace Parish to stretch a banner at 4423 Pearl Road, for the period from July 3, 2017 to August 1, 2017, inclusive, publicizing the festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Office of Capital Projects is hereby authorized and directed to issue a permit to Mary Queen of Peace Parish to stretch a banner at 4423 Pearl Road; inclusive. Said banner shall be approved by the Office of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

Section 2. 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 May 8, 2017.
Effective May 10, 2017.

Ord. No. 576-17.
By Council Member Polensek.
An emergency ordinance authorizing and directing the Director of Office of Capital Projects to issue a permit to Michael D. Polensek to stretch a banner above Lakeshore Boulevard, for the period from May 25, 2017 to August 12, 2017, inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Office of Capital Projects is hereby authorized and directed to issue a permit to Michael D. Polensek to stretch a two-sided banner across Lakeshore Drive on Cleveland Public Power utility poles (by separate permission of the poles' owners) for the period from May 25, 2017 to August 12, 2017, inclusive. Said banner shall be approved by the Office of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said

banner shall be removed promptly upon the expiration of said permit.

Section 2. 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 May 8, 2017.
Effective May 10, 2017.

COUNCIL COMMITTEE MEETINGS

**Monday, May 15, 2017
9:30 a.m.**

Municipal Services and Properties Committee: Present: K. Johnson, Chair; Dow, Vice Chair; Brancatelli, Cummins, J. Johnson, Kazy, Reed.

2:00 p.m.

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

**Tuesday, May 16, 2017
9:30 a.m.**

Development, Planning and Sustainability (Zoning) Committee: Present: Brancatelli, Chair; Cleveland, Vice Chair; Cummins, Dow, McCormack, Pruitt. *Authorized Absence:* Zone.

Development, Planning and Sustainability Committee: Present: Brancatelli, Chair; Cleveland, Vice Chair; Cummins, Dow, McCormack, Pruitt. *Authorized Absence:* Zone.

1:30 p.m.

Workforce and Community Benefits Committee: Present: Cleveland, Chair; J. Johnson, Kazy, Polensek, Pruitt. *Authorized Absence:* Zone, Vice Chair, Reed.

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

Aging Department

Authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 1 Casino Revenue Funds. (O 614-17)853

Agreements

Authorizing the Director of Capital Projects and/or City Planning to enter into one or more agreements with the Northeast Ohio Regional Sewer District for a period up to fifty years for the loan of Steve Manka's "Water Tower" art piece, and allowing NEORSRD to alter, install, and maintain the sculpture during the term of the loan. (O 583-17)822

Authorizing the Director of Capital Projects to enter into an agreement or agreements with the City of Garfield Heights for the City of Garfield Heights to make the public improvement of reconstructing Johnston Parkway from McCracken Road to Velma; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing and any other relative agreements, authorizing the acquisition of any real property and easements necessary to make the improvement; and cause payment for the City's share. (O 628-17)851

Authorizing the Director of Economic Development to enter into a grant agreement with Cumberland TCC, LLC, or its designee, to provide economic development assistance to finance costs associated with the replacement of the pump station behind the Rock and Roll Hall of Fame. (O 605-17)833

Authorizing the Director of Public Utilities to enter into an Interconnection and Power Purchase Agreement with Cuyahoga County and Cleveland Urban Renewable Power relating to Cleveland Public Power's proposed interconnection of a solar farm located in the City of Brooklyn; authorizing the Director to enter into professional services, public improvement, and purchase contracts, leases and easements and other agreements needed to implement the project; and authorizing the City to accept reimbursement of CPP's costs. (O 611-17)841

Authorizing the Director of Public Works to enter into an agreement with the City of Garfield Heights authorizing the City of Garfield Heights to make the necessary pavement repairs and resurfacing on a portion of Grand Division Avenue located equally in the City of Cleveland and the City of Garfield Heights; and to cause payment of Cleveland's share. (O 600-17)831

Authorizing the Director of Public Works to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational, and cultural programs in various school buildings and recreation centers during evening hours, provide leadership training, and supervise the summer tennis program. (O 601-17)831

Authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 1 Casino Revenue Funds. (O 614-17)853

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17)	854
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Bridges

Authorizing the Director of Capital Projects to apply for and accept gifts and grants from various public and private entities needed for the design of the Willow Lift Bridge preliminary access; authorizing the Director to enter into contracts and agreements to design the improvements and other agreements needed to implement the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvements. (O 585-17) 823
 Authorizing the Director of Capital Projects to apply for and accept gifts or grants from various public and private entities to implement the 2017 Bridge Repair and Replacement Plan; authorizing the Director to enter into contracts and agreements to design and construct the improvements and other agreements needed to implement the improvement; granting consent to ODOT; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvements. (O 626-17) 849
 Authorizing the Director of Capital Projects to make alterations and modifications in Contract No. PI 2016 121 with Schirmer Construction, LLC for the Old Pearl Road Bridge replacement project, for the Office of Capital Projects. (O 591-17) 827

Capital Projects

Authorizing and directing the Director of Capital Projects to issue a permit to Burten, Bell, Carr Development to stretch a banner at East 55th Street and Scovill Avenue, near East Technical High School, for the period from May 26, 2017, to June 25, 2017, inclusive, publicizing the Annual Ward 5 Family Festival. (O 615-17) 853
 Authorizing and directing the Director of Office of Capital Projects to issue a permit to Mary Queen of Peace Parish to stretch a banner at 4423 Pearl Road, for the period from July 3, 2017 to August 1, 2017, inclusive, publicizing the festival. (O 574-17) 870
 Authorizing the Director of Capital Projects and/or City Planning to enter into one or more agreements with the Northeast Ohio Regional Sewer District for a period up to fifty years for the loan of Steve Manka’s “Water Tower” art piece, and allowing NEORS to alter, install, and maintain the sculpture during the term of the loan. (O 583-17) 822
 Authorizing the Director of Capital Projects to apply for and accept gifts and grants from various public and private entities needed for the Circle Drive and East 116th Street extension improvement; authorizing the Director to enter into contracts and agreements to design and construct the improvements and other agreements needed to implement the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvements. (O 584-17) 822
 Authorizing the Director of Capital Projects to apply for and accept gifts or grants from various public and private entities to implement the 2017 Bridge Repair and Replacement Plan; authorizing the Director to enter into contracts and agreements to design and

construct the improvements and other agreements needed to implement the improvement; granting consent to ODOT; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvements. (O 626-17)849

Authorizing the Director of Capital Projects to employ one or more professional consultants to provide various engineering, testing, and related services needed for various capital improvement projects, for the Division of Engineering and Construction, Office of Capital Projects, on an as needed basis, for a period up to two years, and executed no later than December 31, 2018. (O 590-17)826

Authorizing the Director of Capital Projects to enter into an agreement or agreements with the City of Garfield Heights for the City of Garfield Heights to make the public improvement of reconstructing Johnston Parkway from McCracken Road to Velma; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing and any other relative agreements, authorizing the acquisition of any real property and easements necessary to make the improvement; and cause payment for the City's share. (O 628-17)851

Authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public right of way of Circle Drive by installing, using, and maintaining a sign, foundation pad and underground electrical conduit. (O 592-17)827

Authorizing the Director of Capital Projects to make alterations and modifications in Contract No. PI 2016 121 with Schirmer Construction, LLC for the Old Pearl Road Bridge replacement project, for the Office of Capital Projects. (O 591-17)827

Designating Gay Avenue between Glenboro Drive and East 109th Street with a secondary and honorary designation of "Hubert Lee Bobo Way". (O 470-17)870

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for improving a portion of Detroit Avenue; to apply for and accept any gifts or grants from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; to employ one or more professional consultants to design the improvement; and causing payment of the City's share to the State for the cost of the improvement. (O 587-17)824

Giving consent of the City of Cleveland to the Ohio Department of Transportation for the improvement of traffic flow and safety at the IR 480 and State Road interchange; and authorizing the Director of Capital Projects to enter into any relative agreements. (O 586-17)823

Case Western Reserve University (CWRU)

Authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public right of way of Circle Drive by installing, using, and maintaining a sign, foundation pad and underground electrical conduit. (O 592-17)827

Authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Bureau of Justice Assistance, for the FY17 Justice and Mental Health Collaboration Grant; and authorizing one or more contracts with Case Western Reserve University, or other agencies or entities needed to implement the grant. (O 597-17)829

Casino Revenue Funds

Authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 1 Casino Revenue Funds. (O 614-17)853

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17)854

Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17)853

Authorizing the Director of the Department of Public Health to enter into an agreement with Union Miles Development Corporation for the Health and Human Services Community Fair through the use of Ward 2 Casino Revenue Funds. (O 555-17)870

City Council

From Ward 6 Councilwoman Mamie J. Mitchell. Letter of resignation from Council, May 2, 2017. (F 629-17)821

Oath of office for Blaine A. Griffin, Cleveland City Member for Ward 6. (F 631-17)821

City of Brooklyn

Accepting the terms of the franchise granted by the City of Brooklyn in Section 1 of Ordinance No. 2017 35 consenting to the provision of electric service by Cleveland Public Power within the City of Brooklyn and granting CPP a non- exclusive franchise. (O 610-17)840

Authorizing the Director of Public Utilities to enter into an Interconnection and Power Purchase Agreement with Cuyahoga County and Cleveland Urban Renewable Power relating to Cleveland Public Power's proposed interconnection of a solar farm located in the City of Brooklyn; authorizing the Director to enter into professional services, public

improvement, and purchase contracts, leases and easements and other agreements needed to implement the project; and authorizing the City to accept reimbursement of CPP's costs. (O 611-17)841

City of Garfield Heights

Authorizing the Director of Capital Projects to enter into an agreement or agreements with the City of Garfield Heights for the City of Garfield Heights to make the public improvement of reconstructing Johnston Parkway from McCracken Road to Velma; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing and any other relative agreements, authorizing the acquisition of any real property and easements necessary to make the improvement; and cause payment for the City's share. (O 628-17)851

Authorizing the Director of Public Works to enter into an agreement with the City of Garfield Heights authorizing the City of Garfield Heights to make the necessary pavement repairs and resurfacing on a portion of Grand Division Avenue located equally in the City of Cleveland and the City of Garfield Heights; and to cause payment of Cleveland's share. (O 600-17)831

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to construct Johnston Mill Run Trail, Phase I, from Miles Avenue to Lee Road and Kerruish Park in the Cities of Cleveland and Garfield Heights; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing one or more contracts with consultants and any other relative agreements, including a cooperative agreement with the City of Garfield Heights; authorizing the acquisition of any real property and easements necessary to make the improvement; and cause payment for the City's share. (O 627-17)850

City of Cleveland Bids

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John F. Kennedy Recreation Center — Bid Package 1: Pool Ceiling Demolition — Office of Capital Projects — Division of Architecture and Site Improvement — per Ord. 732-14 — bid due June 9, 2017 (advertised 5/10/2017 and 5/17/2017)..... 865

TOC (Total Organic Carbon)/TN (Total Nitrogen) Analyzer and Appurtenances — Department of Public Utilities — Division of Water — per C.O. Sec. 129.28 — bid due June 2, 2017 (advertised 5/10/2017 and 5/17/2017) 864

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City Planning Commission

Authorizing the Director of Capital Projects and/or City Planning to enter into one or more agreements with the Northeast Ohio Regional Sewer District for a period up to fifty years for the loan of Steve Manka's "Water Tower" art piece, and allowing NEORSO to alter, install, and maintain the sculpture during the term of the loan. (O 583-17)822

Changing the Area District of land along Detroit Ave between W. 28th Street & W. 29th Street and Establishing a PUD within the same boundary (Map Change No. 2562). (O 440-17)864

Changing the Use and Area Districts of parcels on the southwest corner of Literary Road and W. 7th Street to 'RA' (Townhouse) Use District and an 'F' Area District as identified on the attached map (Map Change No. 2564). (O 598-17)852

Changing the Use, Area and Height Districts of lands between West 70th Street and West 76th Street, south of the Lake Shore & Michigan Southern Railroad right-of-way as identified on the attached map (Map Change No. 2557). (O 553-17)864

Changing the Use, Area and Height Districts of lands in the Walworth Run area, along the Cuyahoga River south of Carter Road and along West 14th Street (Map Change No. 2560). (O 439-17)864

Changing Use of land along Lorain Avenue and along W. 140th Street to be rezoned from GR C2 to LR G2 and MF G2 (Map Change No. 2561). (O 462-17)864

Designating East 18th Street between Euclid Avenue and Chester Avenue with a secondary and honorary designation of "Norman Krumholz Way". (O 552-17)855

Designating Gay Avenue between Glenboro Drive and East 109th Street with a secondary and honorary designation of "Hubert Lee Bobo Way". (O 470-17)870

Designating the John M. West House as a Cleveland Landmark. (O 613-17)842

Designating West 47th Street between Lorain Avenue and Turn Avenue with a secondary and honorary designation of "Sister Maureen Doyle Way". (O 612-17)842

To approve the Stage Two Planned Unit Development (PUD) application for lands designated as a PUD District in Map Change 2562 (Ord. 440-17) (Map Change No. 2563). (O 554-17)864

Clerk of Council

From Ward 6 Councilwoman Mamie J. Mitchell. Letter of resignation from Council, May 2, 2017. (F 629-17)821

Cleveland Hopkins International Airport

Authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with United Airlines, Inc. for the purchase of two used passenger loading bridges, for the Division of Cleveland Hopkins International Airport, Department of Port Control. (O 387-17) .....	.867
Authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001 PS 2015 102 with AvAirPros Services, Inc. to provide maintenance, operation, and management of the City owned common use facilities at Cleveland Hopkins International Airport. (O 410-17) .....	.868

Cleveland Metropolitan School District (CMSD)

Authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2016-17 school year. (O 604-17) .....	.832
Encouraging all schools and labor unions to collaborate and work together to serve the best interest of our students, and to ensure that teachers may join a union. (R 630-17) .....	.853

Cleveland Public Power (CPP)

Accepting the terms of the franchise granted by the City of Brooklyn in Section 1 of Ordinance No. 2017 35 consenting to the provision of electric service by Cleveland Public Power within the City of Brooklyn and granting CPP a non- exclusive franchise. (O 610-17) .....	.840
Authorizing the Director of Public Utilities to employ one or more professional consultants to host and manage billing systems and related systems and activities, for the Divisions of Water and Cleveland Public Power for a period of three years, with two options to renew for additional one year periods, the first of which is exercisable through additional legislative authority. (O 414-17) .....	.869
Authorizing the Director of Public Utilities to enter into an Interconnection and Power Purchase Agreement with Cuyahoga County and Cleveland Urban Renewable Power relating to Cleveland Public Power's proposed interconnection of a solar farm located in the City of Brooklyn; authorizing the Director to enter into professional services, public improvement, and purchase contracts, leases and easements and other agreements needed to implement the project; and authorizing the City to accept reimbursement of CPP's costs. (O 611-17) .....	.841
Authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as needed basis, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 415-17) .....	.869
Authorizing the purchase by one or more requirement contracts of labor and materials necessary for handling, recycling and disposing of various chemicals, hazardous waste products and other non-hazardous and recyclable waste materials, and training, for the Division of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years, with two one year options to renew, the first of which shall require additional legislative authority. (O 416-17) .....	.869

Cleveland Public Theater

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17)854
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Codified Ordinances

To amend various sections in Chapter 541 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to sewer connections and sewer use code including stormwater control and management; and to enact new Sections 541.081 and 541.93 relating to watercourse protection and criminal liability. (O 609-17)834
To repeal Section 433.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 711-04, passed October 18, 2004; and to supplement the codified ordinances by enacting new Section 433.01 relating to driving or physical control while under the influence of alcohol or drugs, tests, presumptions, and penalties; and to repeal Section 433.011 of the codified ordinances, relating to intoxication, reckless operation and speed. (O 625-17) .....	.842
To repeal Section 605.031, as amended by Ordinance No. 880 06, passed November 27, 2006; and to amend Section 471.06, as amended by Ordinance No. 1217 02, passed June 10, 2002, relating to aggressive solicitation and the use of highway for soliciting, riding in cargo storage area, on tailgate or on outside of a vehicle. (O 593-17) .....	.828

Communications

From Ward 6 Councilwoman Mamie J. Mitchell. Letter of resignation from Council, May 2, 2017. (F 629-17)821
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Oath of office for Blaine A. Griffin, Cleveland City Member for Ward 6. (F 631-17)821
 Oath of Office for Debra Mitchell, Interim Assistant Director of Department of Public Utilities,
 City of Cleveland. (F 618-17)821

Community Development

Authorizing the Director of the Department of Community Development to enter into
 agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program
 (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds.
 (O 623-17)854

Condolences

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Contracts

Authorizing the Director of Capital Projects to apply for and accept gifts and grants from
 various public and private entities needed for the Circle Drive and East 116th Street
 extension improvement; authorizing the Director to enter into contracts and agreements
 to design and construct the improvements and other agreements needed to implement the
 improvement; and authorizing the Commissioner of Purchases and Supplies to acquire,
 accept, and record for right of way purposes real property and easements necessary to
 make the improvements. (O 584-17)822

Authorizing the Director of Capital Projects to apply for and accept gifts or grants from
 various public and private entities to implement the 2017 Bridge Repair and Replacement
 Plan; authorizing the Director to enter into contracts and agreements to design and
 construct the improvements and other agreements needed to implement the improvement;
 granting consent to ODOT; and authorizing the Commissioner of Purchases and Supplies
 to acquire, accept, and record for right of way purposes real property and easements
 necessary to make the improvements. (O 626-17)849

Authorizing the Director of Capital Projects to employ one or more professional consultants to
 provide various engineering, testing, and related services needed for various capital
 improvement projects, for the Division of Engineering and Construction, Office of Capital
 Projects, on an as needed basis, for a period up to two years, and executed no later than
 December 31, 2018. (O 590-17)826

Authorizing the Director of Capital Projects to make alterations and modifications in Contract
 No. PI 2016 121 with Schirmer Construction, LLC for the Old Pearl Road Bridge
 replacement project, for the Office of Capital Projects. (O 591-17)827

Authorizing the Director of Finance to employ one or more consultants, computer software
 developers, or vendors or one or more firms of consultants, computer software developers,
 or vendors necessary to implement various projects under the 2017 IT Capital Strategic
 Plan; and to enter into various contracts to implement this ordinance. (O 534-17)855

Authorizing the Director of Finance to enter into various written standard purchase and
 requirement contracts needed for citywide electronic protection materials, equipment,
 supplies, and services, including installation and training, and labor and materials if
 necessary, for the various divisions of City government, for a period of three years, with
 two additional one year options to renew, exercisable by the Director of Finance. (O 535-17)855

Authorizing the Director of Port Control to enter into one or more contracts without competitive
 bidding with United Airlines, Inc. for the purchase of two used passenger loading bridges,
 for the Division of Cleveland Hopkins International Airport, Department of Port Control.
 (O 387-17)867

Authorizing the Director of Port Control to exercise the first option to renew Contract No.
 CT 3001 PS 2015 102 with AvAirPros Services, Inc. to provide maintenance, operation, and
 management of the City owned common use facilities at Cleveland Hopkins International
 Airport. (O 410-17)868

Authorizing the Director of Public Health to apply for and accept a grant from the Ohio
 Department of Health for the 2017-19 Cities Readiness Initiative Program; authorizing
 one or more contracts with various agencies, entities, or individuals; and authorizing the
 purchase or lease of television and radio advertising time and other media. (O 607-17)833

Authorizing the Director of Public Safety to apply for and accept a grant from the United
 States Department of Justice, Bureau of Justice Assistance for the FY17 Byrne Criminal
 Justice Innovation Program; and authorizing the Director to enter into one or more
 contracts with the Partnership for a Safer Cleveland, Golden Ciphers, Slavic Village
 Development Corporation, and Case Western Reserve University to implement the grant.
 (O 596-17)829

Authorizing the Director of Public Utilities to employ one or more professional consultants to
 host and manage billing systems and related systems and activities, for the Divisions of
 Water and Cleveland Public Power for a period of three years, with two options to renew
 for additional one year periods, the first of which is exercisable through additional
 legislative authority. (O 414-17)869

Authorizing the Director of Public Utilities to enter into one or more contracts with Great
 Lakes Observing System for professional services necessary to lease, deploy, maintain,
 and retrieve two buoys and sondes, and for the regular calibration, monitoring, collecting,
 and measuring of Lake Erie water quality, for the Division of Water, Department of
 Public Utilities, for a period of two years. (O 361-17)867

Authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2016-17 school year. (O 604-17)832

Authorizing the Directors of Public Works and Public Safety to enter into one or more contracts with the American National Red Cross for an emergency shelter relief plan using the City’s recreation centers and other suitable City facilities, for a period not to exceed two years. (O 589-17)826

Authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as needed basis, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 415-17)869

Authorizing the purchase by one or more written standard purchase and requirement contracts of various on road vehicles, apparatus, and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, for the Director of Public Works. (O 417-17)865

Authorizing the purchase by one or more requirement contracts of labor and materials necessary for handling, recycling and disposing of various chemicals, hazardous waste products and other non- hazardous and recyclable waste materials, and training, for the Division of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years, with two one year options to renew, the first of which shall require additional legislative authority. (O 416-17)869

Authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on road vehicles and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, for a period of one year. (O 599-17)829

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to remove and replace the existing East 75th Street bridge over Norfolk Southern Railroad and Greater Cleveland Regional Transportation Authority; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; and authorizing the acquisition of any real property and easements necessary to make the improvement. (O 588-17)825

Cuyahoga County

Authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2017-19 Public Health Emergency Preparedness Grant Program. (O 608-17)833

Authorizing the Director of Public Safety to enter into an agreement with the Cuyahoga County Solid Waste District to accept funding in support of the Department of Public Safety’s Environmental Crimes Task Force for purposes, including but not limited to, the purchase of training and equipment to assist in combatting illegal dumping. (O 594-17)828

Authorizing the Director of Public Utilities to enter into an Interconnection and Power Purchase Agreement with Cuyahoga County and Cleveland Urban Renewable Power relating to Cleveland Public Power’s proposed interconnection of a solar farm located in the City of Brooklyn; authorizing the Director to enter into professional services, public improvement, and purchase contracts, leases and easements and other agreements needed to implement the project; and authorizing the City to accept reimbursement of CPP’s costs. (O 611-17)841

Authorizing the Director of Public Works to apply for and accept one or more grants from the State of Ohio, NOACA, or any other public or private entity to implement Stage 1 of the Towpath Trail project; authorizing the Director to accept grants and gifts from any public or private entity for the improvement; authorizing the Director to receive grant funds from Cuyahoga County for the purchase of real estate and easement interests; authorizing the Director to transfer grant funds, if received, to Cuyahoga County for the improvement; authorizing the Commissioner of Purchases and Supplies to purchase real estate and permanent and temporary easement interests and accept donation of real estate; and authorizing one or more lease, permit and/or cooperative agreement to implement Stage 1 of the Towpath Trail project. (O 602-17)831

Economic Development Department

Authorizing the Director of Economic Development to enter into a grant agreement with Cumberland TCC, LLC, or its designee, to provide economic development assistance to finance costs associated with the replacement of the pump station behind the Rock and Roll Hall of Fame. (O 605-17)833

Encroachments

Authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public right of way of Circle Drive by installing, using, and maintaining a sign, foundation pad and underground electrical conduit. (O 592-17)827

Engineering and Construction Division

Authorizing the Director of Capital Projects to employ one or more professional consultants to provide various engineering, testing, and related services needed for various capital improvement projects, for the Division of Engineering and Construction, Office of Capital Projects, on an as needed basis, for a period up to two years, and executed no later than December 31, 2018. (O 590-17)826

Finance Department

Authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement various projects under the 2017 IT Capital Strategic Plan; and to enter into various contracts to implement this ordinance. (O 534-17)855

Authorizing the Director of Finance to enter into various written standard purchase and requirement contracts needed for citywide electronic protection materials, equipment, supplies, and services, including installation and training, and labor and materials if necessary, for the various divisions of City government, for a period of three years, with two additional one year options to renew, exercisable by the Director of Finance. (O 535-17)855

Grants

Authorizing the Director of Capital Projects to apply for and accept gifts and grants from various public and private entities needed for the Circle Drive and East 116th Street extension improvement; authorizing the Director to enter into contracts and agreements to design and construct the improvements and other agreements needed to implement the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvements. (O 584-17)822

Authorizing the Director of Capital Projects to apply for and accept gifts or grants from various public and private entities to implement the 2017 Bridge Repair and Replacement Plan; authorizing the Director to enter into contracts and agreements to design and construct the improvements and other agreements needed to implement the improvement; granting consent to ODOT; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvements. (O 626-17)849

Authorizing the Director of Economic Development to enter into a grant agreement with Cumberland TCC, LLC, or its designee, to provide economic development assistance to finance costs associated with the replacement of the pump station behind the Rock and Roll Hall of Fame. (O 605-17)833

Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2017-19 Cities Readiness Initiative Program; authorizing one or more contracts with various agencies, entities, or individuals; and authorizing the purchase or lease of television and radio advertising time and other media. (O 607-17)833

Authorizing the Director of Public Safety to accept a grant from the United States Department of Justice for the FY15 COPS Hiring Program. (O 595-17)828

Authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Bureau of Justice Assistance for the FY17 Byrne Criminal Justice Innovation Program; and authorizing the Director to enter into one or more contracts with the Partnership for a Safer Cleveland, Golden Ciphers, Slavic Village Development Corporation, and Case Western Reserve University to implement the grant. (O 596-17)829

Authorizing the Director of Public Works to apply for and accept one or more grants from the State of Ohio, NOACA, or any other public or private entity to implement Stage 1 of the Towpath Trail project; authorizing the Director to accept grants and gifts from any public or private entity for the improvement; authorizing the Director to receive grant funds from Cuyahoga County for the purchase of real estate and easement interests; authorizing the Director to transfer grant funds, if received, to Cuyahoga County for the improvement; authorizing the Commissioner of Purchases and Supplies to purchase real estate and permanent and temporary easement interests and accept donation of real estate; and authorizing one or more lease, permit and/or cooperative agreement to implement Stage 1 of the Towpath Trail project. (O 602-17)831

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for improving a portion of Detroit Avenue; to apply for and accept any gifts or grants from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; to employ one or more professional consultants to design the improvement; and causing payment of the City's share to the State for the cost of the improvement. (O 587-17)824

Health Department

Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2017-19 Cities Readiness Initiative Program; authorizing one or more contracts with various agencies, entities, or individuals; and authorizing the purchase or lease of television and radio advertising time and other media. (O 607-17)833

Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17)853

Authorizing the Director of the Department of Public Health to enter into an agreement with Union Miles Development Corporation for the Health and Human Services Community Fair through the use of Ward 2 Casino Revenue Funds. (O 555-17)**.870**

Hermes Sports & Events, Inc.

Consenting and approving the issuance of a permit for The MetroHealth Resiliency 5K, on June 11, 2017, managed by Hermes Sports and Events, Inc. (O 556-17)**.870**

Illegal Dumping

Authorizing the Director of Public Safety to enter into an agreement with the Cuyahoga County Solid Waste District to accept funding in support of the Department of Public Safety's Environmental Crimes Task Force for purposes, including but not limited to, the purchase of training and equipment to assist in combatting illegal dumping. (O 594-17)**.828**

Landmark Commission

Designating the John M. West House as a Cleveland Landmark. (O 613-17)**.842**

Lead Paint

Urging the Ohio Senate to reject the proposed amendment to the state budget bill that gives the Ohio Department of Health exclusive authority over all lead based paint issues statewide, and preempts Ohio cities from taking proactive efforts to prevent lead poisoning through local inspection and enforcement. (R 577-17)**.855**

Lease Agreement

Authorizing the Director of Port Control to enter into a Lease Agreement with Grain Craft, Inc. fka Cereal Food Processors, Inc. for the lease of certain city owned property generally located at 1635 Merwin Avenue, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 388-17)**.867**

Authorizing the Director of Port Control to enter into a Lease Agreement with Mid Continent Coal and Coke Company for the lease of certain city owned property generally located at 700 Stones Levee Road, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 389-17)**.868**

Leases

Authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on road vehicles and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, for a period of one year. (O 599-17)**.829**

Liquor Permits

#22348152225. New License Application, C2. Dolgen Midwest LLC, 16015 Lake Shore Blvd. (Ward 8). (F 620-17)**.822**

#5377774. Transfer of Ownership Application, C1. M Zayed LLC, 4189 Ridge Rd. (Ward 13). (F 621-17)**.822**

#6069985. Transfer of Ownership Application, C1 C2. MKJ Corporation, 870 Easy 185th St. (Ward 8). (F 619-17)**.822**

Objecting to a New C1 Liquor Permit at 5417 Chester Avenue. (R 575-17)**.866**

Objecting to the transfer of ownership of a C1 Liquor Permit to 4189 Ridge Road. (R 616-17)**.854**

Withdrawing objection to a New C1 Liquor Permit at 3350 East 116th Street and repealing Resolution No. 223-17, objecting to said permit. (R 617-17)**.854**

Loans

Authorizing the Director of Capital Projects and/or City Planning to enter into one or more agreements with the Northeast Ohio Regional Sewer District for a period up to fifty years for the loan of Steve Manka's "Water Tower" art piece, and allowing NEORS to alter, install, and maintain the sculpture during the term of the loan. (O 583-17)**.822**

Northeast Ohio Areawide Coordinating Agency (NOACA)

Authorizing the Director of Public Works to apply for and accept one or more grants from the State of Ohio, NOACA, or any other public or private entity to implement Stage 1 of the Towpath Trail project; authorizing the Director to accept grants and gifts from any public or private entity for the improvement; authorizing the Director to receive grant funds from

Cuyahoga County for the purchase of real estate and easement interests; authorizing the Director to transfer grant funds, if received, to Cuyahoga County for the improvement; authorizing the Commissioner of Purchases and Supplies to purchase real estate and permanent and temporary easement interests and accept donation of real estate; and authorizing one or more lease, permit and/or cooperative agreement to implement Stage 1 of the Towpath Trail project. (O 602-17)831

Northeast Ohio Regional Sewer District (NEORSD)

Authorizing the Director of Capital Projects and/or City Planning to enter into one or more agreements with the Northeast Ohio Regional Sewer District for a period up to fifty years for the loan of Steve Manka's "Water Tower" art piece, and allowing NEORSD to alter, install, and maintain the sculpture during the term of the loan. (O 583-17)822

To amend various sections in Chapter 541 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to sewer connections and sewer use code including stormwater control and management; and to enact new Sections 541.081 and 541.93 relating to watercourse protection and criminal liability. (O 609-17)834

Oath of Office

Oath of office for Blaine A. Griffin, Cleveland City Member for Ward 6. (F 631-17)821

Oath of Office for Debra Mitchell, Interim Assistant Director of Department of Public Utilities, City of Cleveland. (F 618-17)821

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 2017-19 Cities Readiness Initiative Program; authorizing one or more contracts with various agencies, entities, or individuals; and authorizing the purchase or lease of television and radio advertising time and other media. (O 607-17)833

Urging the Ohio Senate to reject the proposed amendment to the state budget bill that gives the Ohio Department of Health exclusive authority over all lead based paint issues statewide, and preempts Ohio cities from taking proactive efforts to prevent lead poisoning through local inspection and enforcement. (R 577-17)855

Ohio Department of Transportation (ODOT)

Authorizing the Director of Capital Projects to apply for and accept gifts or grants from various public and private entities to implement the 2017 Bridge Repair and Replacement Plan; authorizing the Director to enter into contracts and agreements to design and construct the improvements and other agreements needed to implement the improvement; granting consent to ODOT; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvements. (O 626-17)849

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for improving a portion of Detroit Avenue; to apply for and accept any gifts or grants from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; to employ one or more professional consultants to design the improvement; and causing payment of the City's share to the State for the cost of the improvement. (O 587-17)824

Giving consent of the City of Cleveland to the Ohio Department of Transportation for the improvement of traffic flow and safety at the IR 480 and State Road interchange; and authorizing the Director of Capital Projects to enter into any relative agreements. (O 586-17)823

Permits

Authorizing and directing the Director of Capital Projects to issue a permit to Burten, Bell, Carr Development to stretch a banner at East 55th Street and Scovill Avenue, near East Technical High School, for the period from May 26, 2017, to June 25, 2017, inclusive, publicizing the Annual Ward 5 Family Festival. (O 615-17)853

Authorizing and directing the Director of Office of Capital Projects to issue a permit to Mary Queen of Peace Parish to stretch a banner at 4423 Pearl Road, for the period from July 3, 2017 to August 1, 2017, inclusive, publicizing the festival. (O 574-17)870

Consenting and approving the issuance of a permit for The MetroHealth Resiliency 5K, on June 11, 2017, managed by Hermes Sports and Events, Inc. (O 556-17)870

Port Control Department

Authorizing the Director of Port Control to enter into a Lease Agreement with Grain Craft, Inc. fka Cereal Food Processors, Inc. for the lease of certain city owned property generally located at 1635 Merwin Avenue, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 388-17)867

Authorizing the Director of Port Control to enter into a Lease Agreement with Mid Continent Coal and Coke Company for the lease of certain city owned property generally located at 700 Stones Levee Road, for the Department of Port Control, for a period of two years with

three one year options to renew, the first of which requires additional legislative authority. (O 389-17) .....	.868
Authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with United Airlines, Inc. for the purchase of two used passenger loading bridges, for the Division of Cleveland Hopkins International Airport, Department of Port Control. (O 387-17) .....	.867
Authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001 PS 2015 102 with AvAirPros Services, Inc. to provide maintenance, operation, and management of the City owned common use facilities at Cleveland Hopkins International Airport. (O 410-17) .....	.868

Professional Services

Authorizing the Director of Capital Projects to apply for and accept gifts and grants from various public and private entities needed for the Circle Drive and East 116th Street extension improvement; authorizing the Director to enter into contracts and agreements to design and construct the improvements and other agreements needed to implement the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvements. (O 584-17) .....	.822
Authorizing the Director of Capital Projects to employ one or more professional consultants to provide various engineering, testing, and related services needed for various capital improvement projects, for the Division of Engineering and Construction, Office of Capital Projects, on an as needed basis, for a period up to two years, and executed no later than December 31, 2018. (O 590-17) .....	.826
Authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement various projects under the 2017 IT Capital Strategic Plan; and to enter into various contracts to implement this ordinance. (O 534-17) .....	.855
Authorizing the Director of Finance to enter into various written standard purchase and requirement contracts needed for citywide electronic protection materials, equipment, supplies, and services, including installation and training, and labor and materials if necessary, for the various divisions of City government, for a period of three years, with two additional one year options to renew, exercisable by the Director of Finance. (O 535-17) .....	.855
Authorizing the Director of Public Utilities to employ one or more professional consultants to host and manage billing systems and related systems and activities, for the Divisions of Water and Cleveland Public Power for a period of three years, with two options to renew for additional one year periods, the first of which is exercisable through additional legislative authority. (O 414-17) .....	.869
Authorizing the Director of Public Utilities to enter into one or more contracts with Great Lakes Observing System for professional services necessary to lease, deploy, maintain, and retrieve two buoys and sondes, and for the regular calibration, monitoring, collecting, and measuring of Lake Erie water quality, for the Division of Water, Department of Public Utilities, for a period of two years. (O 361-17) .....	.867
Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for improving a portion of Detroit Avenue; to apply for and accept any gifts or grants from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; to employ one or more professional consultants to design the improvement; and causing payment of the City's share to the State for the cost of the improvement. (O 587-17) .....	.824

Public Hearings (Notices)

Changing the Area District of land along Detroit Ave between W. 28th Street & W. 29th Street and Establishing a PUD within the same boundary (Map Change No. 2562). (O 440-17) .....	.864
Changing the Use, Area and Height Districts of lands between West 70th Street and West 76th Street, south of the Lake Shore & Michigan Southern Railroad right-of-way as identified on the attached map (Map Change No. 2557). (O 553-17) .....	.864
Changing the Use, Area and Height Districts of lands in the Walworth Run area, along the Cuyahoga River south of Carter Road and along West 14th Street (Map Change No. 2560). (O 439-17) .....	.864
Changing Use of land along Lorain Avenue and along W. 140th Street to be rezoned from GR C2 to LR G2 and MF G2 (Map Change No. 2561). (O 462-17) .....	.864
To approve the Stage Two Planned Unit Development (PUD) application for lands designated as a PUD District in Map Change 2562 (Ord. 440-17) (Map Change No. 2563). (O 554-17) .....	.864

Public Improvements

Authorizing the Director of Capital Projects to apply for and accept gifts and grants from various public and private entities needed for the Circle Drive and East 116th Street extension improvement; authorizing the Director to enter into contracts and agreements to design and construct the improvements and other agreements needed to implement the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvements. (O 584-17) .....	.822
Authorizing the Director of Capital Projects to apply for and accept gifts or grants from various public and private entities to implement the 2017 Bridge Repair and Replacement Plan; authorizing the Director to enter into contracts and agreements to design and	

construct the improvements and other agreements needed to implement the improvement; granting consent to ODOT; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right of way purposes real property and easements necessary to make the improvements. (O 626-17)849

Authorizing the Director of Capital Projects to enter into an agreement or agreements with the City of Garfield Heights for the City of Garfield Heights to make the public improvement of reconstructing Johnston Parkway from McCracken Road to Velma; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing and any other relative agreements, authorizing the acquisition of any real property and easements necessary to make the improvement; and cause payment for the City's share. (O 628-17)851

Authorizing the Director of Public Utilities to enter into an Interconnection and Power Purchase Agreement with Cuyahoga County and Cleveland Urban Renewable Power relating to Cleveland Public Power's proposed interconnection of a solar farm located in the City of Brooklyn; authorizing the Director to enter into professional services, public improvement, and purchase contracts, leases and easements and other agreements needed to implement the project; and authorizing the City to accept reimbursement of CPP's costs. (O 611-17)841

Authorizing the Director of Public Works to enter into an agreement with the City of Garfield Heights authorizing the City of Garfield Heights to make the necessary pavement repairs and resurfacing on a portion of Grand Division Avenue located equally in the City of Cleveland and the City of Garfield Heights; and to cause payment of Cleveland's share. (O 600-17)831

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to remove and replace the existing East 75th Street bridge over Norfolk Southern Railroad and Greater Cleveland Regional Transportation Authority; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; and authorizing the acquisition of any real property and easements necessary to make the improvement. (O 588-17)825

Public Works

Authorizing the Director of Public Works to apply for and accept one or more grants from the State of Ohio, NOACA, or any other public or private entity to implement Stage 1 of the Towpath Trail project; authorizing the Director to accept grants and gifts from any public or private entity for the improvement; authorizing the Director to receive grant funds from Cuyahoga County for the purchase of real estate and easement interests; authorizing the Director to transfer grant funds, if received, to Cuyahoga County for the improvement; authorizing the Commissioner of Purchases and Supplies to purchase real estate and permanent and temporary easement interests and accept donation of real estate; and authorizing one or more lease, permit and/or cooperative agreement to implement Stage 1 of the Towpath Trail project. (O 602-17)831

Authorizing the Director of Public Works to enter into an agreement with the City of Garfield Heights authorizing the City of Garfield Heights to make the necessary pavement repairs and resurfacing on a portion of Grand Division Avenue located equally in the City of Cleveland and the City of Garfield Heights; and to cause payment of Cleveland's share. (O 600-17)831

Authorizing the Director of Public Works to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational, and cultural programs in various school buildings and recreation centers during evening hours, provide leadership training, and supervise the summer tennis program. (O 601-17)831

Authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2016-17 school year. (O 604-17)832

Authorizing the Directors of Public Works and Public Safety to enter into one or more contracts with the American National Red Cross for an emergency shelter relief plan using the City's recreation centers and other suitable City facilities, for a period not to exceed two years. (O 589-17)826

Authorizing the purchase by one or more written standard purchase and requirement contracts of various on road vehicles, apparatus, and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, for the Director of Public Works. (O 417-17)865

Authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on road vehicles and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, for a period of one year. (O 599-17)829

Races

Consenting and approving the issuance of a permit for The MetroHealth Resiliency 5K, on June 11, 2017, managed by Hermes Sports and Events, Inc. (O 556-17)870

Recognition

Recognition Resolution for National Council of Negro Women, Inc., Cleveland Section (R 634-17)822

Recreation Centers

Authorizing the Director of Public Works to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational, and cultural programs in various school buildings and recreation centers during evening hours, provide leadership training, and supervise the summer tennis program. (O 601-17)831

Authorizing the Directors of Public Works and Public Safety to enter into one or more contracts with the American National Red Cross for an emergency shelter relief plan using the City's recreation centers and other suitable City facilities, for a period not to exceed two years. (O 589-17)826

Resignations

From Ward 6 Councilwoman Mamie J. Mitchell. Letter of resignation from Council, May 2, 2017. (F 629-17)821

Resolution of Support

Encouraging all schools and labor unions to collaborate and work together to serve the best interest of our students, and to ensure that teachers may join a union. (R 630-17)853

Resolutions - Miscellaneous

Urging the Ohio Senate to reject the proposed amendment to the state budget bill that gives the Ohio Department of Health exclusive authority over all lead based paint issues statewide, and preempts Ohio cities from taking proactive efforts to prevent lead poisoning through local inspection and enforcement. (R 577-17)855

Safety Department

Authorizing the Director of Public Safety to accept a grant from the United States Department of Justice for the FY15 COPS Hiring Program. (O 595-17)828

Authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Bureau of Justice Assistance for the FY17 Byrne Criminal Justice Innovation Program; and authorizing the Director to enter into one or more contracts with the Partnership for a Safer Cleveland, Golden Ciphers, Slavic Village Development Corporation, and Case Western Reserve University to implement the grant. (O 596-17)829

Authorizing the Director of Public Safety to enter into an agreement with the Cuyahoga County Solid Waste District to accept funding in support of the Department of Public Safety's Environmental Crimes Task Force for purposes, including but not limited to, the purchase of training and equipment to assist in combatting illegal dumping. (O 594-17)828

Authorizing the Directors of Public Works and Public Safety to enter into one or more contracts with the American National Red Cross for an emergency shelter relief plan using the City's recreation centers and other suitable City facilities, for a period not to exceed two years. (O 589-17)826

Authorizing the purchase by one or more written standard purchase and requirement contracts of various on road vehicles, apparatus, and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, for the Director of Public Works. (O 417-17)865

To repeal Section 433.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 711-04, passed October 18, 2004; and to supplement the codified ordinances by enacting new Section 433.01 relating to driving or physical control while under the influence of alcohol or drugs, tests, presumptions, and penalties; and to repeal Section 433.011 of the codified ordinances, relating to intoxication, reckless operation and speed. (O 625-17)842

To repeal Section 605.031, as amended by Ordinance No. 880 06, passed November 27, 2006; and to amend Section 471.06, as amended by Ordinance No. 1217 02, passed June 10, 2002, relating to aggressive solicitation and the use of highway for soliciting, riding in cargo storage area, on tailgate or on outside of a vehicle. (O 593-17)828

Sewers

To amend various sections in Chapter 541 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to sewer connections and sewer use code including stormwater control and management; and to enact new Sections 541.081 and 541.93 relating to watercourse protection and criminal liability. (O 609-17)834

State of Ohio

Authorizing the Director of Public Works to apply for and accept one or more grants from the State of Ohio, NOACA, or any other public or private entity to implement Stage 1 of the Towpath Trail project; authorizing the Director to accept grants and gifts from any

public or private entity for the improvement; authorizing the Director to receive grant funds from Cuyahoga County for the purchase of real estate and easement interests; authorizing the Director to transfer grant funds, if received, to Cuyahoga County for the improvement; authorizing the Commissioner of Purchases and Supplies to purchase real estate and permanent and temporary easement interests and accept donation of real estate; and authorizing one or more lease, permit and/or cooperative agreement to implement Stage 1 of the Towpath Trail project. (O 602-17)831

Streets - Name

Designating East 18th Street between Euclid Avenue and Chester Avenue with a secondary and honorary designation of "Norman Krumholz Way". (O 552-17)855
 Designating Gay Avenue between Glenboro Drive and East 109th Street with a secondary and honorary designation of "Hubert Lee Bobo Way". (O 470-17)870
 Designating West 47th Street between Lorain Avenue and Turn Avenue with a secondary and honorary designation of "Sister Maureen Doyle Way". (O 612-17)842

Tremont West Development Corporation

Authorizing the Director of the Department of Community Development to enter into agreement with the Tremont West Development Corporation for the Arts in August Expo through the use of Ward 3 Casino Revenue Funds. (O 624-17)854

Union Miles Development Corporation

Authorizing the Director of the Department of Public Health to enter into an agreement with Union Miles Development Corporation for the Health and Human Services Community Fair through the use of Ward 2 Casino Revenue Funds. (O 555-17)870

Unions

Encouraging all schools and labor unions to collaborate and work together to serve the best interest of our students, and to ensure that teachers may join a union. (R 630-17)853

US Department of Justice

Authorizing the Director of Public Safety to accept a grant from the United States Department of Justice for the FY15 COPS Hiring Program. (O 595-17)828
 Authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Bureau of Justice Assistance for the FY17 Byrne Criminal Justice Innovation Program; and authorizing the Director to enter into one or more contracts with the Partnership for a Safer Cleveland, Golden Ciphers, Slavic Village Development Corporation, and Case Western Reserve University to implement the grant. (O 596-17)829

Utilities Department

Accepting the terms of the franchise granted by the City of Brooklyn in Section 1 of Ordinance No. 2017 35 consenting to the provision of electric service by Cleveland Public Power within the City of Brooklyn and granting CPP a non-exclusive franchise. (O 610-17)840
 Authorizing the Director of Public Utilities to employ one or more professional consultants to host and manage billing systems and related systems and activities, for the Divisions of Water and Cleveland Public Power for a period of three years, with two options to renew for additional one year periods, the first of which is exercisable through additional legislative authority. (O 414-17)869
 Authorizing the Director of Public Utilities to enter into an Interconnection and Power Purchase Agreement with Cuyahoga County and Cleveland Urban Renewable Power relating to Cleveland Public Power's proposed interconnection of a solar farm located in the City of Brooklyn; authorizing the Director to enter into professional services, public improvement, and purchase contracts, leases and easements and other agreements needed to implement the project; and authorizing the City to accept reimbursement of CPP's costs. (O 611-17)841
 Authorizing the Director of Public Utilities to enter into one or more contracts with Great Lakes Observing System for professional services necessary to lease, deploy, maintain, and retrieve two buoys and sondes, and for the regular calibration, monitoring, collecting, and measuring of Lake Erie water quality, for the Division of Water, Department of Public Utilities, for a period of two years. (O 361-17)867
 Authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as needed basis, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 415-17)869
 Authorizing the purchase by one or more requirement contracts of labor and materials necessary for handling, recycling and disposing of various chemicals, hazardous waste products and other non-hazardous and recyclable waste materials, and training, for the Division of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years, with two one year options to renew, the first of which shall require additional legislative authority. (O 416-17)869

Oath of Office for Debra Mitchell, Interim Assistant Director of Department of Public Utilities, City of Cleveland. (F 618-17) .....	.821
To amend various sections in Chapter 541 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to sewer connections and sewer use code including stormwater control and management; and to enact new Sections 541.081 and 541.93 relating to watercourse protection and criminal liability. (O 609-17) .....	.834

Vehicles

Authorizing the purchase by one or more written standard purchase and requirement contracts of various on road vehicles, apparatus, and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, for the Director of Public Works. (O 417-17) .....	.865
Authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on road vehicles and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, for a period of one year. (O 599-17) .....	.829
To repeal Section 605.031, as amended by Ordinance No. 880 06, passed November 27, 2006; and to amend Section 471.06, as amended by Ordinance No. 1217 02, passed June 10, 2002, relating to aggressive solicitation and the use of highway for soliciting, riding in cargo storage area, on tailgate or on outside of a vehicle. (O 593-17) .....	.828

Ward 01

Authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 1 Casino Revenue Funds. (O 614-17) .....	.853
Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) .....	.854

Ward 02

Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) .....	.853
Authorizing the Director of the Department of Public Health to enter into an agreement with Union Miles Development Corporation for the Health and Human Services Community Fair through the use of Ward 2 Casino Revenue Funds. (O 555-17) .....	.870
Condolence Resolution for William Earl Jones, II (R 633-17) .....	.822
Designating Gay Avenue between Glenboro Drive and East 109th Street with a secondary and honorary designation of "Hubert Lee Bobo Way". (O 470-17) .....	.870

Ward 03

Authorizing the Director of Port Control to enter into a Lease Agreement with Grain Craft, Inc. fka Cereal Food Processors, Inc. for the lease of certain city owned property generally located at 1635 Merwin Avenue, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 388-17) .....	.867
Authorizing the Director of Port Control to enter into a Lease Agreement with Mid Continent Coal and Coke Company for the lease of certain city owned property generally located at 700 Stones Levee Road, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 389-17) .....	.868
Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) .....	.854
Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) .....	.853
Changing the Area District of land along Detroit Ave between W. 28th Street & W. 29th Street and Establishing a PUD within the same boundary (Map Change No. 2562). (O 440-17) .....	.864
Changing the Use and Area Districts of parcels on the southwest corner of Literary Road and W. 7th Street to 'RA' (Townhouse) Use District and an 'F' Area District as identified on the attached map (Map Change No. 2564). (O 598-17) .....	.852
Changing the Use, Area and Height Districts of lands in the Walworth Run area, along the Cuyahoga River south of Carter Road and along West 14th Street (Map Change No. 2560). (O 439-17) .....	.864
Consenting and approving the issuance of a permit for The MetroHealth Resiliency 5K, on June 11, 2017, managed by Hermes Sports and Events, Inc. (O 556-17) .....	.870

Designating West 47th Street between Lorain Avenue and Turn Avenue with a secondary and honorary designation of "Sister Maureen Doyle Way". (O 612-17)842

To approve the Stage Two Planned Unit Development (PUD) application for lands designated as a PUD District in Map Change 2562 (Ord. 440-17) (Map Change No. 2563). (O 554-17)864

Ward 04

Designating Gay Avenue between Glenboro Drive and East 109th Street with a secondary and honorary designation of "Hubert Lee Bobo Way". (O 470-17)870

Withdrawing objection to a New C1 Liquor Permit at 3350 East 116th Street and repealing Resolution No. 223-17, objecting to said permit. (R 617-17)854

Ward 05

Authorizing and directing the Director of Capital Projects to issue a permit to Burten, Bell, Carr Development to stretch a banner at East 55th Street and Scovill Avenue, near East Technical High School, for the period from May 26, 2017, to June 25, 2017, inclusive, publicizing the Annual Ward 5 Family Festival. (O 615-17)853

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17)854

Designating East 18th Street between Euclid Avenue and Chester Avenue with a secondary and honorary designation of "Norman Krumholz Way". (O 552-17)855

Ward 06

Authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public right of way of Circle Drive by installing, using, and maintaining a sign, foundation pad and underground electrical conduit. (O 592-17)827

Oath of office for Blaine A. Griffin, Cleveland City Member for Ward 6. (F 631-17)821

Ward 07

Condolence Resolution for Arlena LaBon (R 632-17)822

Objecting to a New C1 Liquor Permit at 5417 Chester Avenue. (R 575-17)866

Ward 08

#22348152225. New License Application, C2. Dolgen Midwest LLC, 16015 Lake Shore Blvd. (Ward 8). (F 620-17)822

#6069985. Transfer of Ownership Application, C1 C2. MKJ Corporation, 870 Easy 185th St. (Ward 8). (F 619-17)822

Authorizing and directing the Director of Office of Capital Projects to issue a permit to Michael D. Polensek to stretch a banner above Lakeshore Boulevard, for the period from May 25, 2017 to August 12, 2017, inclusive. (O 576-17)870

Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17)853

Ward 09

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17)854

Recognition Resolution for National Council of Negro Women, Inc., Cleveland Section (R 634-17)822

Ward 10

Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17)853

Ward 11

Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17)853

Ward 12

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17)854

Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17)853

Ward 13

#5377774. Transfer of Ownership Application, C1. M Zayed LLC, 4189 Ridge Rd. (Ward 13). (F 621-17) .....	.822
Authorizing and directing the Director of Office of Capital Projects to issue a permit to Mary Queen of Peace Parish to stretch a banner at 4423 Pearl Road, for the period from July 3, 2017 to August 1, 2017, inclusive, publicizing the festival. (O 574-17) .....	.870
Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) .....	.853
Objecting to the transfer of ownership of a C1 Liquor Permit to 4189 Ridge Road. (R 616-17) .....	.854

Ward 14

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) .....	.854
Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) .....	.853
Consenting and approving the issuance of a permit for The MetroHealth Resiliency 5K, on June 11, 2017, managed by Hermes Sports and Events, Inc. (O 556-17) .....	.870

Ward 15

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) .....	.854
Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) .....	.853
Changing the Use, Area and Height Districts of lands between West 70th Street and West 76th Street, south of the Lake Shore & Michigan Southern Railroad right-of-way as identified on the attached map (Map Change No. 2557). (O 553-17) .....	.864
Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for improving a portion of Detroit Avenue; to apply for and accept any gifts or grants from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; to employ one or more professional consultants to design the improvement; and causing payment of the City's share to the State for the cost of the improvement. (O 587-17) .....	.824

Ward 16

Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) .....	.853
Changing Use of land along Lorain Avenue and along W. 140th Street to be rezoned from GR C2 to LR G2 and MF G2 (Map Change No. 2561). (O 462-17) .....	.864
Designating the John M. West House as a Cleveland Landmark. (O 613-17) .....	.842

Ward 17

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 1, 3, 5, 9, 12, 14, 15 and 17 Casino Revenue Funds. (O 623-17) .....	.854
Authorizing the Director of the Department of Public Health to enter into agreement with The MetroHealth System for the Project DAWN Program through the use of Wards 2, 3, 8, 10, 11, 12, 13, 14, 15, 16 and 17 Casino Revenue Funds. (O 622-17) .....	.853
Condolence Resoluton for Paul A. Granzier (F 635-17) .....	.822

Waste Collection and Disposal Division

Authorizing the purchase by one or more requirement contracts of labor and materials necessary for handling, recycling and disposing of various chemicals, hazardous waste products and other non-hazardous and recyclable waste materials, and training, for the Division of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years, with two one year options to renew, the first of which shall require additional legislative authority. (O 416-17)869
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Water Division

Authorizing the Director of Public Utilities to employ one or more professional consultants to host and manage billing systems and related systems and activities, for the Divisions of Water and Cleveland Public Power for a period of three years, with two options to renew	
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for additional one year periods, the first of which is exercisable through additional legislative authority. (O 414-17)869

Authorizing the Director of Public Utilities to enter into one or more contracts with Great Lakes Observing System for professional services necessary to lease, deploy, maintain, and retrieve two buoys and sondes, and for the regular calibration, monitoring, collecting, and measuring of Lake Erie water quality, for the Division of Water, Department of Public Utilities, for a period of two years. (O 361-17)867

Authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as needed basis, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 415-17)869

Water Pollution Control Division (WPC)

Authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as needed basis, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 415-17)869

Authorizing the purchase by one or more requirement contracts of labor and materials necessary for handling, recycling and disposing of various chemicals, hazardous waste products and other non-hazardous and recyclable waste materials, and training, for the Division of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years, with two one year options to renew, the first of which shall require additional legislative authority. (O 416-17)869

To amend various sections in Chapter 541 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to sewer connections and sewer use code including stormwater control and management; and to enact new Sections 541.081 and 541.93 relating to watercourse protection and criminal liability. (O 609-17)834

Zoning

Changing the Area District of land along Detroit Ave between W. 28th Street & W. 29th Street and Establishing a PUD within the same boundary (Map Change No. 2562). (O 440-17)864

Changing the Use and Area Districts of parcels on the southwest corner of Literary Road and W. 7th Street to 'RA' (Townhouse) Use District and an 'F' Area District as identified on the attached map (Map Change No. 2564). (O 598-17)852

Changing the Use, Area and Height Districts of lands between West 70th Street and West 76th Street, south of the Lake Shore & Michigan Southern Railroad right-of-way as identified on the attached map (Map Change No. 2557). (O 553-17)864

Changing the Use, Area and Height Districts of lands in the Walworth Run area, along the Cuyahoga River south of Carter Road and along West 14th Street (Map Change No. 2560). (O 439-17)864

Changing Use of land along Lorain Avenue and along W. 140th Street to be rezoned from GR C2 to LR G2 and MF G2 (Map Change No. 2561). (O 462-17)864

To approve the Stage Two Planned Unit Development (PUD) application for lands designated as a PUD District in Map Change 2562 (Ord. 440-17) (Map Change No. 2563). (O 554-17)864