

# The City Record

Official Publication of the Council of the City of Cleveland



April the Twenty-Ninth, Two Thousand and Fifteen

**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 Joe Cimperman
- 4 Kenneth L. Johnson
- 5 Phyllis E. Cleveland
- 6 Mamie J. Mitchell
- 7 TJ Dow
- 8 Michael D. Polensek
- 9 Kevin Conwell
- 10 Jeffrey D. Johnson
- 11 Dona Brady
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Brian Kazy
- 17 Martin J. Keane

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[www.clevelandcitycouncil.org](http://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	Joe Cimperman	P.O. Box 91688	44101
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Michael D. Polensek	17855 Brian Avenue	44119
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
11	Dona Brady	1272 West Boulevard	44102
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Brian J. Cummins	3104 Mapledale Avenue	44109
15	Matthew Zone	1228 West 69th Street	44102
16	Brian Kazy	4300 West 143rd Street	44135
17	Martin J. Keane	15907 Colletta Lane	44111

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

### MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff  
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
 Martin J. Flask, Executive Assistant to the Mayor of Special Projects  
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
 Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability  
 Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs  
 Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development  
 Dan Williams, Media Relations Director

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

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

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

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

Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,  
 Victor R. Perez, Chief Assistant Prosecutor, Room 106: John Skrtic, 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 – Sharon Dumas, Interim Director, 1201 Lakeside Avenue

**DIVISIONS:**  
 Cleveland Public Power – Ivan Henderson, Commissioner  
 Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer  
 Water – Alex Margevicius, Interim Commissioner  
 Water Pollution Control – Rachid Zoghaib, Commissioner

### DEPT. OF PORT CONTROL – Ricky D. Smith, 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 – Daniel A. Novak, Commissioner  
 Park Maintenance and Properties – Richard L. Silva, Commissioner  
 Parking Facilities – Antonette Thompson, Interim Commissioner  
 Property Management – Tom Nagle, Commissioner  
 Recreation – Samuel Gissentaner, Interim Commissioner  
 Streets – Randell T. Scott, Interim Commissioner  
 Traffic Engineering – Robert Mavec, Commissioner  
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

### DEPT. OF PUBLIC HEALTH – Toinette Parrilla, Director, 75 Erieview Plaza

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

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

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

### DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

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

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

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

### DEPT. OF HUMAN RESOURCES – Deborah Southerington, Director, Room 121

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

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

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

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

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

### BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Mary Haas McGraw, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Elizabeth Kukla, Secretary.

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

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

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

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

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

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

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

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

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

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

### CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair; Laura M. Bala, Freddy L. Collier, Jr., Allan Dreyer, Giancarlo Calicchia, Council Member Terrell H. Pruitt, Robert Strickland, Julie Trotter, Robert Vilkas, Donald Petit, Interim 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 12C  
 Judge Marilyn B. Cassidy – Courtroom 13A  
 Judge Michelle Denise Earley – Courtroom 14C  
 Judge Emanuella Groves – Courtroom 14B  
 Judge James H. Hewitt, III – Courtroom 12A  
 Judge Lauren C. Moore – Courtroom 14A  
 Judge Charles L. Patton, Jr. – Courtroom 13D  
 Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B  
 Judge Angela R. Stokes – Courtroom 15C  
 Judge Pauline H. Tarver – Courtroom 13C  
 Judge Ed Wade – Courtroom 12B  
 Judge Joseph J. Zone – Courtroom 14D  
 Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Gregory A. Sims – Chief Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate.

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 102

WEDNESDAY, APRIL 29, 2015

No. 5290

## CITY COUNCIL

MONDAY, APRIL 27, 2015

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

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

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

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

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

Public Square Pizza LLC, 75 Public  
Square (Ward 3). Received.

**File No. 500-15.**  
RE: #69615160040. New License  
Application, D5J. Playhouse Square  
Foundation, 1409 Euclid Avenue  
(Ward 3). Received.

### CONDOLENCE RESOLUTION

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

**Res. No. 501-15**—Edward F. Rybka.

### CONGRATULATIONS RESOLUTION

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

**Res. No. 502-15**—Cleveland Ten-  
ants Organization — 40th Anniver-  
sary.

### RECOGNITION RESOLUTIONS

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

**Res. No. 503-15**—Green Up Cleve-  
land.

**Res. No. 504-15**—Cleveland Asian  
Festival (6th Annual).

**Res. No. 505-15**—Rev. Lisa H. Jar-  
rell.

**Res. No. 506-15**—Villa Montessori  
Center — 20th Anniversary.

### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 475-15.**  
**By Council Members Brancatelli  
and Kelley (by departmental  
request).**

**An emergency ordinance authoriz-  
ing the Director of Community Devel-  
opment to enter into or amend con-  
tracts with various agencies to pro-  
vide housing, commercial, industrial  
and real estate development activi-  
ties.**

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

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

**Section 1.** That the Director of Com-  
munity Development is authorized to  
enter into or amend contracts with  
various agencies to provide housing,  
commercial, industrial and real estate  
development activities.

**Section 2.** That the cost of the con-  
tracts authorized in this ordinance  
shall not exceed \$1,381,960 and any  
prior years balances from Fund Nos.  
14 SF 039, 14 SF 040, and 14 SF 041,  
RQS 8006, RL 2015-0061.

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2015-2017

#### MONDAY — Alternating

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

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

#### MONDAY

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

#### TUESDAY

9:30 A.M. — **Development, Plan-  
ning and Sustainability Committee:**  
Brancatelli (CHAIR), Cleveland  
(VICE-CHAIR), Cimperman, Cum-  
mins, Dow, Pruitt, Zone.

#### TUESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, April 27, 2015

The meeting of the Council was  
called to order at 7:01 p.m. with the  
President of Council, Kevin J. Kel-  
ley, in the Chair.

Council Members present: Dona  
Brady, Anthony Brancatelli, Joe  
Cimperman, Phyllis E. Cleveland,  
Brian J. Cummins, TJ Dow, Jeffrey  
D. Johnson, Brian Kazy, Kevin J.  
Kelley, Kenneth L. Johnson, Martin  
J. Keane, Mamie J. Mitchell, Michael  
D. Polensek, Terrell H. Pruitt, Zack  
Reed, and Matthew Zone.

Also present were: Mayor Frank  
G. Jackson, Chief of Staff Ken Sil-  
liman, Chief of Government Affairs  
Valarie J. McCall, Chief of Educa-  
tion Monyka S. Price, Chief of Sus-  
tainability Jenita McGowan and  
Directors Dumas, Smith, Spronz,  
McGrath, O'Leary, Southerington,  
Griffin, Collier, Fumich, Ambroz and  
Burrows.

Pursuant to Ordinance No. 2926-76,  
the opening prayer was offered by  
Pastor Hudson Bey, Saved By Grace  
Fellowship, Cleveland, Ohio (Ward  
10). Pledge of Allegiance.

#### MOTION

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

#### FROM OHIO DIVISION OF LIQUOR CONTROL

**File No. 498-15.**  
RE: #0519928. Transfer of Owner-  
ship Application, D1 D2 D3 D3A D6.  
Batuke The Flavor of Brasil LLC,  
12706 Larchmere Boulevard (Ward  
6). Received.

**File No. 499-15.**  
RE: #7107927. Transfer of Owner-  
ship Application, D2 D2X D3 D6.

**Section 3.** That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional housing, commercial, industrial, real estate development and other CDBG eligible activities, and the program income is appropriated for those purposes.

**Section 4.** That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated program income and to be paid from the revolving fund in Fund 14.

**Section 5.** That the Director of Community Development is authorized to enter into or amend contracts with for-profit or non-profit organizations serving as the fiscal agent for the various agencies to provide housing, commercial, industrial, and real estate development activities.

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

**Ord. No. 476-15.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 41 from the United States Government; 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 Community Development Block Grant funds in the amount of \$419,000, from Fund No. 14 SF 041, RQS 8006, RL 2015-54, are appropriated for the Department of Building and Housing for the reimbursement of administrative expenses of the Code Enforcement Program following the appropriate federal regulations, in conjunction with the Community Development Block Grant Program.

**Section 2.** That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

**Ord. No. 477-15.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition Program and emergency contracts under the Board-up Program; authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs; and authorizing the purchase by one or more requirement contracts for the items of labor and materials necessary to implement the Board-up 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 Community Development Block Grant funds in the amount of \$1,000,000 from Fund No. 14 SF 041, RQS 8006, RL 2015-52, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 19 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

**Section 2.** That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to implement the Demolition Program and emergency contracts under the Board-up Program.

**Section 3.** That the Director of Building and Housing 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 one or two year period for the items of labor and materials necessary to implement the Board-up Program, 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 Department of Building and Housing. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Building and Housing is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Building and Housing by comparing the bids received for both terms.

**Section 4.** 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 under a delivery order against the contract or contracts certified by the Director of Finance.

**Section 5.** That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

**Section 6.** That the Director of Building and Housing is authorized to accept monies in repayment under the program and to utilize CDBG program income and any prior years balances for making additional expenditures under this program, and the funds are appropriated for that purpose.

**Section 7.** That the Director of Building and Housing is authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

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

**Ord. No. 478-15.**

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

**An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME Grant funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 41 and 2015 Federal HOME grant funds, from the United States Government; and

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

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

**Section 1.** That the Director of Community Development is authorized to expend funds from CDBG Fund No. 14 SF 041 in the amount of \$192,700, and Federal HOME Program Fund No. 19 SF 690 in the amount of \$295,000, and prior years balances for the operation of Low Interest Loan and Grant Home Repair Programs, including all related services. Programs include: Senior Home Owners Assistance Program (SHAP), Afford-A-Home (AAH), Repair-A-Home (RAH), Corrective Action Grant, Housewarming, Furnace Repair, Home Maintenance Assistance Program (HMAP), Lead Hazard Abatement, Tree Removals and Gutter Cleaning Program. Request No. RQS 8006, RL 2015-0059.

**Section 2.** That the Director of Community Development is authorized to enter into one or more contracts with



various non-profit agencies, rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

**Section 3.** That the Director of Community Development is authorized to accept monies in repayment under the programs and to utilize the repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses, which repayments and program income are appropriated for those purposes.

**Section 4.** That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

**Section 5.** That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and are hereby appropriated for the purposes of the Low Interest Loan and Grant Program.

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

**Ord. No. 479-15.**  
**By Council Members Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into contracts for Commercial Revitalization and rebate, grant, and/or loan agreements with Storefront Renovation Program applicants, and to enter into agreements for eligible costs to community development corporations for implementation of the Storefront Renovation and Commercial Revitalization Programs.**

Whereas, the City has created a Storefront Renovation Program to encourage exterior rehabilitation of buildings in targeted areas in the City of Cleveland; and

Whereas, the City is creating a Commercial Revitalization Program to further encourage rehabilitation, increase the availability of goods and services for low and moderate income residents, and create employment in the City; and

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

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

**Section 1.** That the Director of Community Development is authorized to enter into rebate, grant, and/or loan agreements with Storefront Renovation Program applicants, and contracts for eligible administrative

costs, consulting, or professional services, and expenses to community development corporations for implementation of the Commercial Revitalization and Storefront Renovation Programs. The Director is also authorized to provide compensating balance deposits to designated lenders via approved non-profit corporations in return for below market interest rate commercial loans to be used in the Storefront Renovation Program.

**Section 2.** That the Director of Community Development is authorized to enter into contracts with Commercial Revitalization Program applicants.

**Section 3.** That the Director of Community Development is authorized to accept program income monies in repayment from community development corporations under the Storefront Renovation Program and to utilize this program income, other Community Development Block Grant program income, and kiosk program income in a revolving fund, for Commercial Revitalization and Storefront Renovation program expenditures.

**Section 4.** That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans, costs, and fees under the City's Storefront Renovation Program and Commercial Revitalization Program.

**Section 5.** That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City for Commercial Revitalization or Storefront Renovation.

**Section 6.** That the Director of Community Development is authorized to collect from persons or entities with whom the City is entering into loan agreements or forbearance agreements an amount equal to any amount spent for services related to such agreements, such as title searches, credit bureau reports and document filing fees. Such fees shall be deposited into Fund No. 14.

**Section 7.** That the total of the contracts, grant agreements, loan agreements, and rebate agreements authorized may not exceed \$192,241, plus amounts deposited in the revolving fund established in Section 3 of this ordinance and any prior years balances and will be paid from Fund Nos. 13 SF 872 and 14 SF 041, Request No. RQS 8006, RL 2015-60.

**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 the after the earliest period allowed by law.

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

**Ord. No. 480-15.**  
**By Council Members Cimperman, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance appropriating Community Development Block Grant funds and Emergency Solutions Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP), CHORE, and Homeless Services Programs.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 41, from the United States Government; 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 Community Development Block Grant funds in the amount of Two Hundred Eighty Thousand Dollars (\$280,000) from Fund No. 14 SF 041 are appropriated for costs of the Department of Aging incurred in Fund 19 associated with conducting the Senior Homeowners Assistance Program ("SHAP"), and CHORE in conjunction with the Community Development Block Grant Program. (RQS 8006, RL 2015-0063)

**Section 2.** That Emergency Solutions Grant funds in the amount of Sixty Thousand Dollars (\$60,000) from Fund No. 19 SF 691 are appropriated for costs of the Department of Aging incurred in Fund 19 associated with conducting the Homeless Services Program. (RQS 8006, RL 2015-0063)

**Section 3.** That prior to expending funds under this ordinance, the Director of Aging and the Director of Community Development shall enter into a memorandum of understanding for this program.

**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 Aging, Community Development, Finance, Law; Committees on Health and Human Services, Development Planning and Sustainability, Finance.

**Ord. No. 481-15.**  
**By Council Members Cimperman, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to enter into contracts with various agencies or entities to provide AIDS-related services; authorizing the employment of one or more professional consultants to provide evaluation services; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.**

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

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

**Section 1.** That, as a Subrecipient Grantee of CDBG funds for the Department of Community Development, the Director of Public Health is authorized to enter into one or more contracts with various agencies or entities to provide HIV/AIDS prevention and education activities, under the Community Development Block Grant, File No. 481-15-A, and in addition, the sum of not more than \$61,393 is appropriated to the Department of Public Health for administrative costs of implementing the contracts authorized by this ordinance.

**Section 2.** That the Director of Public Health 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 evaluation services.

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

**Section 3.** That the Director of Public Health is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the grant as described in the file.

**Section 4.** That any agency or entity that receives funds under this ordinance shall be required to comply with the evaluation services provided by the consultant.

**Section 5.** That prior to expending funds under this ordinance, the Directors of Public Health and Community Development must enter into a memorandum of understanding for this program in accordance with the terms authorized by this legislation.

**Section 6.** That the cost of the contract or contracts in the sum of not more than \$248,000 and administrative costs in the sum of not more than \$61,393 for a total amount of \$309,393, are appropriated for costs of the Department of Public Health incurred from Fund 19 following the appropriate federal regulations and shall be paid from Fund No. 14 SF 041, Request No. RQS 8006, RL 2015-057.

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

**Ord. No. 482-15.**

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

**An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with various agencies or entities to provide AIDS-related services, in conjunction with the HOPWA Grant; and authorizing the employment of one or more professional consultants to provide evaluation services.**

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, as a Subrecipient Grantee of CDBG funds for the

Department of Community Development, the Director of Public Health is authorized to enter into one or more contracts with various agencies or entities, effective June 1, 2015, to provide AIDS-related services in conjunction with the Housing Opportunities for People With AIDS (HOPWA) Grant Program, under File No. 482-15-A. The sum of not more than \$28,569 is appropriated to the Department of Public Health for administrative costs of implementing the HOPWA program.

**Section 2.** That the Director of Public Health 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 evaluation services.

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

**Section 3.** That any agency or entity that receives funds under this ordinance shall be required to comply with the evaluation services provided by the consultant.

**Section 4.** That prior to expending funds under this ordinance, the Director of Public Health and the Director of Community Development must enter into a memorandum of understanding for this program under the terms authorized by this legislation.

**Section 5.** That the cost of the contract or contracts in the sum of not more than \$923,762 and administrative costs in the sum of not more than \$28,569 for a total amount of \$952,331, plus prior years' balances, are appropriated for costs of the Department of Public Health incurred from Fund 19 following the appropriate federal regulations and shall be paid from Fund No. 19 SF 682, Request No. RQS 8006, RL 2015-58.

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

**Ord. No. 483-15.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for anti-predatory lending and foreclosure prevention assistance, financial literacy programs, fair housing, and administrative costs to implement the programs.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 41, from the United States Government; 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 CDBG funds in the amount of \$183,366 are appropriated for anti-predatory lending and foreclosure prevention assistance, financial literacy programs, fair housing, and administrative costs to implement the programs.

**Section 2.** That the Director of Community Development is authorized to enter into one or more contracts with various organizations to provide counseling, training, marketing, program evaluation and other services required for anti-predatory lending and foreclosure prevention assistance, financial literacy, fair housing activities and to expend funds for administrative costs to implement the programs.

**Section 3.** That the aggregate cost of the contracts and administrative costs shall not exceed \$183,366 and shall be paid from Fund 14 SF 041, Request No. RQS 8006, RL 2015-55.

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

**Ord. No. 484-15.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden 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 Community Development is authorized to enter into contracts with one or more non-profit agencies to operate a community gardening program.

**Section 2.** That the cost of the contract or contracts shall not exceed \$126,057, and shall be paid from Fund No. 14 SF 041, Request No. RQS 8006, RL 2015-56.

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

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

**Ord. No. 485-15.**

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

**An emergency ordinance authorizing the Director of Community Development and, if applicable, other City Directors to enter into contract with various agencies to provide social service programs, including the senior transportation program, authorizing the Director of Community Development to enter into one or more written agreements with the Director of Public Works to lease space from the Greater New Calvary Baptist Church to provide facilities for recreation activities, and with other Directors if necessary.**

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

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

**Section 1.** That the Director of Community Development, and if necessary, appropriate Directors, are authorized to enter into or amend contracts with various agencies to provide social service programs, including the senior transportation program.

**Section 2.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and as amended, the Director of Public Works is authorized to lease from the Greater New Calvary Baptist Church, a gym located at 822 East 150th Street, Cleveland, Ohio, for a period of one year.

**Section 3.** That the rent for the lease shall be \$9,900 per year; that the lease may provide for the City to pay for the installation and operating cost of utility services to the leased premises; that the lease shall be for the purpose of providing a facility for recreation activities; and that the lease shall be prepared by the Director of Law.

**Section 4.** That, prior to expending funds under this ordinance, the Director of Community Development must enter into one or more written agreements with the Director of Public Works and any other applicable City Director for the purposes described in this ordinance.

**Section 5.** That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional social service activities and the program income is appropriated for those purposes.

**Section 6.** That the cost of the contracts authorized by this ordinance shall not exceed \$1,430,127 plus any prior year's balances from Fund Nos. 14 SF 039, 14 SF 040, and 14 SF 041, RQS 8006, RL 2015-0062.

**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 Works, Community Development, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 486-15.**

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

**An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Public Works to enter into one or more contracts with various agencies to implement the Program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 41, from the United States Government; 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 Community Development Block Grant funds in the amount of \$1,216,908 from Fund No. 14 SF 041, RQS 8006, RL 2015-53, are appropriated for costs of the Department of Public Works incurred from Fund 19 following the appropriate federal regulations and associated with conducting the Project Clean Program in conjunction with the Community Development Block Grant Program.

**Section 2.** That the Director of Public Works is authorized to enter into one or more contracts with various non-profit and for-profit agencies to provide services necessary to implement the Project Clean Program.

**Section 3.** That prior to expending funds under this ordinance, the Director of Public Works and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

**Ord. No. 487-15.**

**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 2014-15 school year.**

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

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2014-15 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 2014-15 school year, under the program description contained in File No. 487-15-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 2015-50.

**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. 488-15.**

**By Council Members K. Johnson 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 the North and South Marginal Roads from East 9th Street to East 55th Street; 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; 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 the North Marginal Road and South Marginal Road pavement from East 9th Street to East 55th Street, PID No. 100096 (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 \$1,143,600, 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, 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 any agreements necessary to implement the improvement.

**Section 13.** 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 14.** That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, and 20 SF 563, and any all funds approved by the Director of Finance, including future bond funds if issued for this purpose, Request No. RQS 0103, RL 2015-76.

**Section 15.** 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. 489-15.**  
**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide administration of Family and Medical Leave Act benefits for City employees, for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.**

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

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

**Section 1.** That the Director of Finance is authorized to 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 administration of Family and Medical Leave Act benefits for City employees, for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.

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

**Section 2.** That the cost of contract or contracts authorized shall be paid from any and all funds approved by the Director of Finance.

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

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

**Ord. No. 490-15.**  
**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into an amendment to Contract No. RC 2010-135 with Meritech, Inc. to continue for two-years the rental of Group I, II, and III copiers and services for the various divisions of City government.**

Whereas, under Ordinance No. 325-10, passed April 12, 2010, this Council authorized the procurement of the City's requirements for the rental of Group I, II, and III copiers and services for the various divisions of City government for four years with one option to renew for an additional year; and

Whereas, under Board of Control Resolution No. 290-10, adopted July 21, 2010, the City, through the Director of Finance, entered into Contract No. RC 2010-135 with Meritech, Inc. for the rental of the above-mentioned copiers and services; and

Whereas, the City desires to continue the rental of the copiers and services for two additional consecutive years starting the day after expiration of Contract No. RC 2010-135, to enable the City to realize substantial savings over the cost of renting new machines and services; 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 Finance is authorized to enter into an amendment to Contract No. RC 2010-



135 with Meritech, Inc. for rental of Group I, II, and III copiers and services for the various divisions of City government to continue the rental of the copiers and the provision of services for two additional years starting the day after expiration of Contract No. RC 2010-135. The cost of the amendment shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each

of which purchases or 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. (RQN 1508, RL 2015-19).

**Section 2.** That the amendment authorized shall be prepared by the Director of Law and shall include such additional terms as the Director of Law considers necessary to protect and benefit the public interest.

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

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

**Ord. No. 491-15.**

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

**An emergency ordinance to amend various sections of Ordinance No. 323-15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications.**

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

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

**Section 1.** That Sections 7, 8, 9, 11, 13, 14, 15, 16, 18, 20, 21, 22, 24, 26, 27, 28, 31, and 49 of Ordinance No. 323-15, passed March 30, 2015, are amended to read as follows:

**Section 7. Service Employees International Union, Local 1199, AFL-CIO.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Bridge Oilier.....	<b>\$10.20</b>	<b>\$19.31</b>
2. Custodial Worker.....	<b>11.83</b>	<b>15.74</b>
3. Window Washer.....	<b>14.40</b>	<b>21.73</b>

**Section 8. International Local 100, AFSCME Ohio Council 8 AFL-CIO.** That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Accountant I.....	\$14.39	<b>\$21.23</b>
2. Accountant II.....	14.88	<b>23.30</b>
3. Accountant III.....	15.48	<b>25.84</b>
4. Accountant Clerk I.....	10.00	<b>17.21</b>
5. Accountant Clerk II.....	10.00	<b>18.58</b>
6. Activities Therapist.....	10.00	<b>16.29</b>
7. Airport Information Representative.....	12.14	<b>17.84</b>
8. Airport Operations Agent I.....	17.13	<b>22.05</b>
9. Airport Operations Agent II.....	21.52	<b>25.96</b>
10. Airport Safety Man.....	17.19	<b>24.24</b>
11. Architect.....	10.00	<b>32.10</b>
12. Associate Engineer.....	17.83	<b>30.02</b>
13. Assistant Plan Examiner.....	16.29	<b>24.50</b>
14. Assistant Residential Plan Examiner.....	13.42	<b>24.50</b>
15. Associate Programmer.....	10.00	<b>24.95</b>
16. Bill Collector.....	12.14	<b>17.83</b>
17. Billing Clerk.....	10.00	<b>17.12</b>
18. Building Inspector.....	14.26	<b>23.68</b>
19. Building Inspector I.....	14.08	<b>25.86</b>
20. Building Inspector II.....	14.89	<b>27.32</b>
21. Building Inspector III.....	15.70	<b>28.77</b>
22. Building Inspector IV.....	26.35	<b>30.27</b>
23. Caseworker I.....	13.33	<b>19.36</b>
24. Caseworker II.....	14.03	<b>21.23</b>
25. Cashier/Starter.....	10.00	<b>21.24</b>
26. Chemist.....	18.49	<b>28.21</b>
27. Chief Miscellaneous Investigator.....	10.00	<b>24.50</b>
28. Citizens Information Representative.....	10.00	<b>20.27</b>
29. Claims Examiner.....	10.00	<b>24.50</b>
30. Clinical Laboratory Assistant.....	<b>10.00</b>	<b>20.27</b>
31. Clinical Laboratory Technician I.....	10.00	<b>23.30</b>
32. Clinical Laboratory Technician II.....	16.86	<b>24.95</b>
33. Community Development Planner.....	10.00	<b>30.90</b>
34. Community Health Aide.....	10.00	<b>17.20</b>
35. Community Relations Representative I.....	10.00	<b>20.27</b>
36. Community Relations Representative II.....	10.00	<b>24.50</b>
37. Community Relations Representative III.....	10.00	<b>30.32</b>
38. Computer Monitor Assistant.....	10.00	<b>14.73</b>
39. Computer Operator.....	10.00	<b>24.50</b>
40. Construction Technician.....	12.02	<b>24.50</b>
41. Consumer Protection Specialist.....	10.00	<b>19.37</b>

42.	Contract and Monitoring Specialist.....	10.00	<b>25.93</b>
43.	Cook.....	13.77	<b>16.75</b>
44.	Copy Center Operator.....	10.00	<b>19.70</b>
45.	Customer Service Representative.....	12.15	<b>18.57</b>
46.	Data Control Clerk.....	10.00	<b>17.84</b>
47.	Data Conversion Operator.....	12.02	<b>16.17</b>
48.	Development Officer.....	10.00	<b>28.77</b>
49.	Disease Intervention Specialist I.....	17.83	<b>24.71</b>
50.	Disease Intervention Specialist II.....	19.81	<b>27.35</b>
51.	Drug and Alcohol Counselor.....	10.00	<b>15.78</b>
52.	Elevator Inspector.....	14.23	<b>25.86</b>
53.	Engineer.....	22.78	<b>36.56</b>
54.	Environmental Compliance Specialist I.....	14.95	<b>24.41</b>
55.	Environmental Compliance Specialist II.....	16.35	<b>25.56</b>
56.	Environmental Compliance Specialist III.....	17.90	<b>32.90</b>
57.	Environmental Enforcement Specialist I.....	14.95	<b>25.41</b>
58.	Environmental Enforcement Specialist II.....	16.35	<b>26.63</b>
59.	Environmental Enforcement Specialist III.....	17.90	<b>27.92</b>
60.	Environmental Monitoring Specialist I.....	13.33	<b>25.19</b>
61.	Environmental Monitoring Specialist II.....	14.18	<b>26.38</b>
62.	Environmental Monitoring Specialist III.....	15.74	<b>27.63</b>
63.	Financial Analyst.....	10.00	<b>23.30</b>
64.	Financial Counselor.....	10.00	<b>24.50</b>
65.	First Press Operator.....	12.00	<b>23.38</b>
66.	General Storekeeper.....	19.25	<b>26.23</b>
67.	Geriatric Outreach Worker.....	10.00	<b>22.62</b>
68.	Hazardous Material Specialist.....	21.63	<b>35.00</b>
69.	Head Cook.....	10.00	<b>18.91</b>
70.	Head Storekeeper.....	17.85	<b>24.24</b>
71.	Help Desk Analyst.....	12.02	<b>27.14</b>
72.	Home Maintenance Aide.....	10.00	<b>16.70</b>
73.	House Connection Inspector.....	15.39	<b>19.84</b>
74.	Residential Building Inspector.....	17.69	<b>21.36</b>
75.	Income Tax Tracer.....	12.60	<b>19.82</b>
76.	Information Control Analyst.....	10.00	<b>22.23</b>
77.	Inspector of Weight and Measures.....	12.89	<b>18.81</b>
78.	Instrumentation Technician I.....	20.44	<b>22.81</b>
79.	Instrumentation Technician II.....	22.81	<b>25.13</b>
80.	Instrument Repairman.....	10.00	<b>22.46</b>
81.	Intake Specialist.....	10.00	<b>17.21</b>
82.	Interim Building Inspector.....	19.00	<b>21.39</b>
83.	Interim Mechanical Inspector.....	19.00	<b>21.39</b>
84.	Interim Residential Building Inspector.....	15.75	<b>17.74</b>
85.	Interim Residential Plan Examiner.....	20.25	<b>22.81</b>
86.	Junior Cashier.....	11.14	<b>17.83</b>
87.	Junior Clerk.....	11.97	<b>14.86</b>
88.	Lab Coordinator.....	16.82	<b>28.24</b>
89.	Laboratory Assistant.....	10.00	<b>20.27</b>
90.	Landscape Designer.....	10.00	<b>30.32</b>
91.	Life Guard.....	10.00	<b>16.98</b>
92.	Life Guard Captain.....	10.00	<b>21.02</b>
93.	Mechanical Inspector I.....	14.08	<b>25.86</b>
94.	Mechanical Inspector II.....	14.89	<b>27.32</b>
95.	Mechanical Inspector III.....	15.70	<b>28.77</b>
96.	Mechanical Inspector IV.....	27.39	<b>30.27</b>
97.	Medical Billing Reimbursement Specialist.....	10.42	<b>22.50</b>
98.	Medical Coder and Billing Analyst.....	10.17	<b>23.19</b>
99.	Messenger.....	10.00	<b>16.01</b>
100.	Meter Reader.....	15.53	<b>20.25</b>
101.	Miscellaneous Investigator.....	15.35	<b>19.57</b>
102.	Monitoring, Auditing and Evaluation Coordinator.....	13.65	<b>23.65</b>
103.	Network Analyst I.....	14.52	<b>37.08</b>
104.	On The Job Training Specialist.....	12.71	<b>22.85</b>
105.	Parking Attendant.....	10.00	<b>17.21</b>
106.	Parking Meter Collector.....	10.00	<b>17.18</b>
107.	Parking Meter Serviceman.....	16.49	<b>18.06</b>
108.	Permit Processing Specialist.....	10.00	<b>14.41</b>
109.	Pharmacist.....	10.74	<b>33.88</b>
110.	Photographer.....	10.00	<b>23.30</b>
111.	Photographic Laboratory Technician.....	10.00	<b>20.27</b>
112.	Physical Director I.....	10.00	<b>20.94</b>
113.	Physical Director II.....	10.00	<b>22.60</b>
114.	Residential Plan Examiner.....	19.56	<b>27.69</b>
115.	Play Director.....	10.00	<b>14.69</b>
116.	Pressman.....	10.00	<b>22.86</b>
117.	Preventive Health Counselor.....	13.59	<b>23.69</b>
118.	Preventive Health Educator.....	10.00	<b>15.92</b>

119.	Principal Cashier .....	14.66	24.95
120.	Principal Clerk .....	14.88	21.12
121.	Print Shop Helper.....	12.85	15.72
122.	Private Secretary .....	10.00	22.29
123.	Program Analyst.....	16.64	32.30
124.	Programmer.....	10.00	28.78
125.	Programmer Analyst.....	10.00	32.30
126.	Property Clerk .....	11.37	35.76
127.	Psychiatric Social Worker.....	12.48	23.23
128.	Public Health Nursing Aide.....	10.63	14.98
129.	Public Health Sanitarian I.....	15.48	22.33
130.	Public Health Sanitarian II.....	17.38	24.80
131.	Public Health Sanitarian III.....	15.49	26.03
132.	Public Health Sanitarian IV.....	18.77	31.99
133.	Public Information Officer.....	10.00	24.50
134.	Quality Assurance Analyst.....	10.00	28.77
135.	Quality Control Coordinator.....	16.82	28.25
136.	Radio Dispatcher.....	17.33	22.05
137.	Radio Technician.....	19.85	22.05
138.	Receptionist.....	10.00	15.24
139.	Recreation Aide.....	10.00	11.83
140.	Recreation Instructor .....	10.00	17.21
141.	Recreation Instructor I.....	10.00	18.34
142.	Recreation Instructor II.....	10.00	15.21
143.	Recreation Instructor III.....	10.00	20.13
144.	Redevelopment Advisor.....	10.00	25.84
145.	Redevelopment Coordinator.....	10.00	28.74
146.	Registered Animal Health Technician.....	10.00	17.21
147.	Rehabilitation Inspector.....	17.69	28.75
148.	Second Press Operator.....	10.00	20.91
149.	Secretary.....	10.00	18.59
150.	Secretary to Director of Consumer Affairs.....	10.00	30.32
151.	Senior Assistant City Planner.....	10.00	25.84
152.	Senior Assistant Designer.....	10.00	25.84
153.	Senior Assistant Mechanical Engineer.....	10.00	25.84
154.	Senior Cashier.....	12.57	21.23
155.	Senior Chemist.....	17.61	24.50
156.	Senior Clerk.....	12.47	17.43
157.	Senior Computer Operator.....	10.00	28.78
158.	Senior Contract and Monitoring Specialist.....	11.34	30.51
159.	Senior Data Conversion Operator.....	13.47	19.37
160.	Senior Development Officer.....	12.63	37.76
161.	Senior Draftsman.....	11.69	20.83
162.	Senior Laboratory Technician.....	10.86	18.95
163.	Senior Landscape Architect.....	10.00	32.09
164.	Sewer Service Man.....	18.16	20.25
165.	Site Inspector.....	10.00	24.50
166.	Social Worker for Homeless.....	13.82	24.10
167.	Starter (Golf).....	10.00	14.24
168.	Stenographer III.....	10.00	19.37
169.	Stock Clerk.....	13.11	19.16
170.	Storekeeper.....	16.66	21.82
171.	Surveyor.....	10.00	28.78
172.	Tax Auditor I.....	14.39	20.76
173.	Tax Auditor II.....	15.48	22.84
174.	Technical Specialist.....	10.00	24.50
175.	Technical Specifications Writer.....	10.00	25.85
176.	Telecommunications Analyst I.....	14.53	44.60
177.	Telephone Operator.....	10.00	17.99
178.	Telephone Supervisor.....	10.00	18.58
179.	Traffic Sign and Marking Technician.....	16.57	18.59
180.	Trainee Building Inspector.....	18.60	21.36
181.	Trainee Residential Plan Examiner.....	18.25	22.21
182.	Typist.....	12.02	16.17
183.	Water Hydraulic Repairman.....	18.16	20.25
184.	Water Meter Repairman.....	16.18	20.25
185.	Water Pipe Repairman.....	16.77	21.68
186.	Water Serviceman.....	10.00	17.30
187.	Water System Construction Inspector.....	18.97	25.31
188.	Web Content Editor.....	10.00	31.28

**Section 9. Teamsters Local 507.** That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Correctional Officer.....	<b>\$17.29</b>	<b>\$19.37</b>
2. Guard.....	<b>17.29</b>	<b>18.27</b>



**Section 11. International Union of Operating Engineers, Local 10.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Assistant Superintendent of Sewer Maintenance .....	\$25.78	<b>\$27.36</b>
2. Chief Radio Dispatcher-Water .....	23.34	<b>24.78</b>
3. Data Conversion Supervisor.....	20.47	<b>21.73</b>
4. Engineer of Hydraulic Surveys .....	29.11	<b>30.70</b>
5. Meter Reader Supervisor.....	23.03	<b>24.44</b>
6. Sewer Construction & Maintenance Operations Supervisor.....	25.45	<b>27.08</b>
7. Sewer Maintenance Unit Leader.....	22.06	<b>23.53</b>
8. Sewer Maintenance Unit Leader Operator .....	23.18	<b>24.66</b>
9. Supervisor of Radio Service .....	24.86	<b>26.38</b>
10. Unit Supervisor.....	23.06	<b>24.46</b>
11. Water Hydraulic Unit Leader.....	22.11	<b>23.53</b>
12. Water Hydraulic Supervisor.....	24.93	<b>26.53</b>
13. Water Meter Department Unit Leader.....	22.11	<b>23.53</b>
14. Water Meter Department Supervisor.....	24.93	<b>26.53</b>
15. Water Pipe Repair Unit Leader .....	22.49	<b>23.94</b>
16. Water Pipe Repair Supervisor.....	25.85	<b>27.51</b>

**Section 13. International Union of Painters and Allied Trades, District Council 6.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Sign Painter.....	\$23.23	<b>\$33.60</b>
2. Sign Painter Unit Leader .....	24.23	<b>36.18</b>
3. Traffic Sign and Marking Supervisor .....	13.28	<b>26.33</b>
4. Traffic Sign Process Operator.....	13.28	<b>26.36</b>

**Section 14. Ohio Patrolmen's Benevolent Association. (Security Officers).** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Security Officer.....	<b>\$14.16</b>	<b>\$21.96</b>

**Section 15. Ohio Patrolmen's Benevolent Association (Chief Dispatcher).** That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Chief Radio Dispatcher .....	<b>\$47,070.48</b>	<b>\$51,328.22</b>

**Section 16. City, County and Waste Paper Drivers Union, Local No. 244, affiliated with the International Brotherhood of Teamsters.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Airport Maintenance Man .....	\$19.09	<b>\$19.86</b>
2. Animal Control Officer .....	17.64	<b>18.36</b>
3. Concrete Mixer Driver .....	23.69	<b>24.64</b>
4. Ground Maintenance Truck Driver.....	24.85	<b>25.85</b>
5. Ground Maintenance Truck Driver II .....	19.73	<b>20.52</b>
6. Hostler.....	15.66	<b>16.29</b>
7. Parking Enforcement Officer.....	15.55	<b>16.18</b>
8. Section Supervisor (part-time/seasonal) .....	10.00	<b>17.27</b>
9. Snow Removal Vehicle Operator (part-time/seasonal)	17.10	<b>18.19</b>
10. Street Carry-all Driver .....	24.85	<b>25.85</b>
11. Street Maintenance Equipment Leader .....	25.81	<b>26.85</b>
12. Street Equipment Maintenance Specialist.....	24.85	<b>25.85</b>
13. Tanker Truck Driver .....	24.85	<b>25.85</b>
14. Traffic Controller.....	15.55	<b>16.18</b>
15. Truck Driver.....	19.99	<b>20.80</b>
16. Waste Collection Driver.....	19.71	<b>22.79</b>
17. Waste Collection Roll Off Driver.....	23.66	<b>24.62</b>

**Section 18. S.E.M.E., Local 1.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Auto Body Repair Unit Leader .....	\$12.88	<b>\$27.01</b>
2. Automobile Repair Worker.....	12.60	<b>22.26</b>
3. Automobile Repairman Unit Leader.....	17.78	<b>27.01</b>

4.	Heavy Duty Auto Body Repair Worker.....	15.73	<b>23.56</b>
5.	Heavy Duty Mechanic.....	15.75	<b>26.65</b>
6.	Heavy Duty Unit Leader .....	23.85	<b>33.07</b>
7.	Small Equipment Repair Worker.....	12.26	<b>21.02</b>
8.	Tire Repair Worker.....	14.08	<b>20.56</b>
9.	Welder.....	18.36	<b>25.94</b>
10.	Welder/Fabricator .....	18.36	<b>26.64</b>

**Section 20. International Brotherhood of Electrical Workers, Local 38.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Electrical Inspector 1.....	\$14.83	<b>\$25.86</b>
2. Electrical Inspector 2.....	15.66	<b>27.32</b>
3. Electrical Inspector 3.....	16.49	<b>28.77</b>
4. Electrical Inspector 4.....	26.88	<b>30.27</b>

**Section 21. Plumbers Local 55 (Plumbers Inspectors).** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Plumbing Inspector 1.....	\$14.83	<b>\$25.86</b>
2. Plumbing Inspector 2.....	15.66	<b>27.32</b>
3. Plumbing Inspector 3.....	16.49	<b>28.77</b>
4. Plumbing Inspector 4.....	26.88	<b>30.27</b>

**Section 22. Cleveland Association of Rescue Employees (CARE), Local 1975.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Emergency Medical Dispatcher.....	\$24,765.24	<b>\$44,715.21</b>
2. Emergency Medical Dispatcher Trainee.....	10.50	10.50
3. Emergency Medical Technician .....	26,336.35	<b>48,777.99</b>
4. Emergency Medical Technician Trainee .....	10.50	10.50
5. Paramedic I.....	27,741.02	<b>50,620.38</b>
6. Paramedic II.....	29,239.09	<b>51,080.97</b>
7. Paramedic III.....	33,570.30	<b>52,724.63</b>

**Section 24. Ohio Nurses Association, Local 85.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Public Health Nurse I.....	\$23,146.64	\$49,457.78
2. Public Health Nurse II.....	35,887.06	51,208.16
3. Public Health Nurse III.....	39,098.75	56,231.40

**Section 26. Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO)(Non-Supervisory).** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Accident and Safety Inspector.....	<b>\$21.49</b>	<b>\$23.49</b>
2. Arborist I.....	<b>18.81</b>	<b>20.81</b>
3. Cemeteries Maintenance Man I.....	<b>16.86</b>	<b>18.86</b>
4. Cemeteries Maintenance Man II.....	<b>26.02</b>	<b>28.02</b>
5. Cold Patch and Crack Sealing Worker .....	<b>18.47</b>	<b>20.47</b>
6. Engineering and Construction Inspector.....	<b>20.12</b>	<b>22.12</b>
7. Gardener.....	<b>18.81</b>	<b>20.81</b>
8. Ground Maintenance Man.....	<b>16.86</b>	<b>18.86</b>
9.. Laborer I.....	<b>16.82</b>	<b>18.86</b>
10. Mechanical Handyman.....	<b>17.57</b>	<b>19.57</b>
11. Municipal Service Laborer.....	<b>16.86</b>	<b>18.86</b>
12. Practical Nurse .....	<b>18.99</b>	<b>20.99</b>
13. Radio Operator.....	<b>19.28</b>	<b>21.28</b>
14. Real Estate Maintenance Man .....	<b>17.82</b>	<b>19.82</b>
15. Sidewalk Inspector.....	<b>18.42</b>	<b>20.42</b>
16. Street Permit Supervisor.....	<b>16.82</b>	<b>18.82</b>
17. Street Sweeper - Waste Collection.....	<b>16.41</b>	<b>18.41</b>
18. Transfer Station Attendant.....	<b>22.50</b>	<b>24.50</b>
19. Waste Collector .....	<b>16.86</b>	<b>18.86</b>

**Section 27. Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO)(Supervisory).** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Airport Field Foreman .....	<b>\$21.32</b>	<b>\$23.32</b>
2. Arborist II .....	<b>21.68</b>	<b>23.68</b>
3. Assistant Manager of Parks and Urban Forestry.....	<b>26.31</b>	<b>28.31</b>
4. Assistant Superintendent of Waste Collection.....	<b>26.95</b>	<b>28.95</b>
5. Cemetery Foreman .....	<b>21.33</b>	<b>23.33</b>
6. Cemetery Supervisor .....	<b>24.42</b>	<b>26.42</b>
7. Chief Engineering and Construction Inspector .....	<b>26.77</b>	<b>28.77</b>
8. Cold Patch and Crack Sealing Foreman.....	<b>24.54</b>	<b>26.54</b>
9. Custodial Worker Supervisor .....	<b>19.78</b>	<b>21.78</b>
10. General Construction Foreman.....	<b>33.41</b>	<b>35.41</b>
11. General Shop Foreman .....	<b>26.97</b>	<b>28.97</b>
12. Greenskeeper .....	<b>22.13</b>	<b>24.13</b>
13. Ground Maintenance Crew Foreman.....	<b>18.18</b>	<b>20.18</b>
14. Ground Maintenance Foreman.....	<b>21.33</b>	<b>23.33</b>
15. Horticulturist .....	<b>30.55</b>	<b>32.55</b>
16. Horticulturist Maintenance Foreman .....	<b>23.88</b>	<b>25.88</b>
17. Labor Foreman .....	<b>21.32</b>	<b>23.32</b>
18. Maintenance Foreman.....	<b>20.43</b>	<b>22.43</b>
19. Parking Coordinator.....	<b>22.50</b>	<b>24.50</b>
20. Set-Up Foreman.....	<b>17.85</b>	<b>19.85</b>
21. Street Maintenance Foreman.....	<b>21.32</b>	<b>23.32</b>
22. Street Maintenance General Foreman.....	<b>26.97</b>	<b>28.97</b>
23. Waste Collection Foreman .....	<b>21.32</b>	<b>23.32</b>
24. Waste Collection Foreman I.....	<b>23.36</b>	<b>25.36</b>

**Section 28. Cleveland Scientific Examiners - Fingerprinters (FOP/OLCI).** That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Fingerprint Examiner.....	<b>\$22,440.00</b>	<b>\$45,456.15</b>
2. Scientific Examiner.....	<b>25,500.00</b>	<b>63,063.40</b>

**Section 31.** That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Administrative Officer .....	\$20,800.00	\$58,499.94
2. Cable Protection Specialist .....	20,800.00	41,314.46
3. Case Worker Supervisor.....	20,800.00	49,942.38
4. Chief Caseworker Supervisor.....	22,426.64	50,729.94
5. Chief Clerk.....	22,050.00	52,504.47
6. Chief Photographer .....	20,800.00	56,521.12
7. Chief Telephone Operator.....	20,800.00	55,253.61
8. <b>Economic Development Specialist.....</b>	<b>40,000.00</b>	<b>52,000.00</b>
9. Epidemiologist.....	40,000.00	91,405.96
10. Personnel Analyst I.....	21,000.00	52,182.05
11. Public Health Emergency Preparedness Specialist.....	30,160.00	58,910.68
12. Safety Programs Officer I.....	25,000.00	73,126.73
13. Safety Programs Officer II.....	25,000.00	51,187.74
14. Secretary to Board of Examiner of Board of Review (Electrical) .....	20,800.00	43,927.25
15. Secretary - Boxing and Wrestling Commission.....	30,573.46	40,109.95
16. Superintendent of Maintenance .....	23,606.98	63,186.02
17. Supervisor of Income Tax Files.....	20,800.00	43,927.24

**Section 49. Hourly Rate - 1099 Crafts.** Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	<b>Effective Date</b>	<b>Minimum</b>	<b>Maximum</b>
1. Asphalt Construction Unit Leader.....	<b>3/31/2015</b>	<b>\$26.37</b>	<b>\$39.56</b>
2. Asphalt Tamper.....	<b>3/31/2015</b>	<b>25.29</b>	<b>37.91</b>
3. Bricklayer Helper.....	<b>3/31/2015</b>	<b>25.96</b>	<b>38.94</b>
4. Jackhammer Operator.....	<b>3/31/2015</b>	<b>25.29</b>	<b>37.91</b>
5. Paver.....	<b>3/31/2015</b>	<b>25.63</b>	<b>38.46</b>
6. Paving Unit Leader .....	<b>3/31/2015</b>	<b>26.37</b>	<b>39.56</b>
7. Superintendent of Construction Equipment.....	<b>3/31/2015</b>	<b>26.37</b>	<b>39.56</b>

**Section 2.** That existing Sections 7, 8, 9, 11, 13, 14, 15, 16, 18, 20, 21, 22, 24, 26, 27, 28, 31, and 49 of Ordinance No. 323-15, passed March 30, 2015, are repealed.

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

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



**Ord. No. 492-15.**  
**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 Clean Energy Coalition for professional services necessary to administer an Energy Efficiency and Conservation Program for Cleveland Public Power; authorizing the Director to employ one or more professional consultants to provide measurement and verification services to evaluate energy savings, for a period of three years; and to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 567-14, passed 5-19-14, relating to the Energy Adjustment Charge.**

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 Clean Energy Coalition for professional services necessary to administer an Energy Efficiency and Conservation Program for the Division of Cleveland Public Power, Department of Public Utilities, for a period of three years.

**Section 2.** 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 in order to provide professional services necessary to provide measurement and verification services to evaluate energy savings, for a period of up to three years.

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 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 3.** That the rates, rules, and regulations of the Division of Cleveland Public Power, Department of Public Utilities, for electrical service, fixed by the Board of Control by Resolution No. \_\_\_\_\_, adopted \_\_\_\_\_, are approved.

**Section 4.** That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 567-14, passed May 19, 2014, is amended to read as follows:

**Section 523.21 Energy Adjustment Charge**

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated under divisions (c) (1) and (c) (2) of this section.

(c) (1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers by the total kilowatt hours distributed to residential customers. The incremental charge calculated herein shall be adjusted by subtracting fifteen (15) mils per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and nine and three-quarters (9.75) mils per kilowatt hour for all other residential customers.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve (12) months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power and kilowatt hours from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Sections 523.048 and 523.049. The incremental charge calculated herein shall be adjusted by subtracting three (3.0) mils per kilowatt hour.

**(d) The costs of the Division's energy efficiency and conservation programs may be included in the calculation of the applicable power and transmission charges.**

(e) At the end of each month, the Division of Cleveland Public Power shall determine the actual fuel and power costs during such month as herein provided and may adjust the additional incremental charge for future months to defer or over-recover the total cost of power in order to stabilize customer bills.

**Section 5.** That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 567-14, passed May 19, 2014, is repealed.

**Section 6.** The contract or contracts shall be paid from Fund No. 58 SF 001, from funds approved by the Director of Finance, and from funds appropriated in 2016 and 2017 for this purpose.

**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 Utilities, Finance, Law; Committees on Utilities, Finance.

**Ord. No. 493-15.**  
**By Council Members Zone and Kelley (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with Motorola Solutions, Inc. for profes-**

**sional services necessary to provide video surveillance at six locations in Ward 9 and at future locations City-wide, including providing the equipment, installation, linking into the City's existing network, and/or provide other related services necessary for remote viewing and recording for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety.**

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

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

**Section 1.** That the Director of Public Safety is authorized to enter into one or more contracts with Motorola Solutions, Inc. for professional services necessary to provide video surveillance at six locations in Ward 9, on the basis of its proposal dated September 29, 2014, for the Department of Public Safety. Services under the contract may include that Motorola Solutions, Inc. will provide the equipment; install, test, and maintain the equipment; provide technical support; integrate and link into the City's existing wireless broadband network; and/or provide other related services necessary for remote viewing and recording for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety.

**Section 2.** That the Director of Public Safety is authorized to enter into one or more contracts with Motorola Solutions, Inc. for professional services necessary to provide video surveillance at future locations City-wide, for the Department of Public Safety. Services under the contract may include that Motorola Solutions, Inc. will provide the equipment; install, test, and maintain the equipment; provide technical support; integrate and link into the City's existing wireless broadband network; and/or provide other related services necessary for remote viewing and recording for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety.

**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 Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 4.** That the contract or contracts authorized in Section 1 shall not exceed \$171,900 and shall be paid from Fund No. 17 SF 652, RQS 6001, RL 2015-64. Contracts authorized in Section 2 shall be paid from any and all funds approved by the Director of Finance for this purpose, and are appropriated for this purpose.

**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. 507-15.  
By Council Members Cimperman  
and Kelley (by departmental  
request).**

**An emergency ordinance to amend Sections 241.02, 241.03, 241.05, 241.07, 241.21, 241.35, and 241.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and supplementing the Codified Ordinances by enacting new Section 241.061, relating to food shops.**

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 241.02, 241.03, 241.05, and 241.21, as amended by Ordinance No. 1657-11, passed November 29, 2011.

Section 241.35, as amended by Ordinance No. 83-09, passed February 9, 2009, and

Section 241.99, as amended by Ordinance No. 210-11, passed April 25, 2011 are amended to read as follows:

**Section 241.02 Enforcement and Inspection**

The Director of Public Health, and authorized employees who are registered sanitarians or sanitarians-in-training, are charged with the enforcement of this chapter. Any such person shall have the right to enter and inspect any place where the business of food is engaged in. No person shall refuse or hinder inspection, or fail to answer all reasonable questions relative to handling food or fail to furnish, upon request, any records deemed necessary for the enforcement of this chapter. If the Director of Public Health and/or authorized employees find, or have cause to believe, that within a retail food establishment or food service operation in their jurisdiction food is adulterated, or so misbranded as to be dangerous or fraudulent, said food may be embargoed in accordance with OAC 901:3-4-15, **3701-21-27** and may be taken for examination, free of charge. Whenever the Director of Public Health and/or authorized employees find in any food shop, any meat, seafood, poultry, vegetable, fruit, or other perishable foods that are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the foods are declared to be a nuisance, and shall forthwith be condemned or destroyed, or in any other manner rendering the items unsalable as human food. The Director of Capital Projects shall have concurrent authority to enforce the provisions of this chapter not specifically delegated to the Director of Public Health.

**Section 241.03 Definitions**

(a) As used in this chapter:

(1) "Food shop" applies to "retail food establishment" and "food service operation", as those terms are defined in RC Chapter 3717.

(2) "Mobile food shop" means a "mobile retail food establishment" or "mobile food service operation", as those terms are defined in RC Chapter 3717.

(3) "Vendor" means a mobile food shop or a person operating a mobile food shop.

(4) "Food item" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient

used or intended for use or for sale in whole or in part for human consumption. Food includes ice, water or any other beverage, food ingredients, and chewing gum.

(5) "Street" means street, alley, highway, roadway, or avenue.

(6) "Vending device" means a container for the sale, display or transport of food items by a vendor.

(7) "Mobile food shop manager" means the individual or individuals with primary responsibility and authority for operating a mobile food shop.

(8) "Trailer" means an unpowered flatbed vehicle towed by another.

(9) "Central Business District" means the area defined in Section 325.10.

(10) "Community event" or "special event" means a community based organization event specifically granted use of streets and sidewalks within a specifically defined area for a period of time not exceeding ten (10) days.

(11) "Sidewalk" means that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property line.

(12) "Street" means street, alley, highway, roadway, or avenue.

(13) "Unobstructed walk" means a clear, continuous paved surface free of tree grates, elevator grates and all vertical obstructions.

(14) "Operator" means a vendor.

(15) **"Commercial Activity" is defined as any activity which is conducted as part of the commercial establishment.**

(16) **"Public Health Information Sign" means the placard (white, yellow, or red) that is issued by Cleveland Department of Public Health to the license holder following a standard health or safety inspection which shall designate whether the license facility is inspected and in compliance, or in the enforcement process.**

(b) The definitions contained in RC Chapters 3715 and 3717 pertaining to the administration and enforcement of food safety programs are adopted and incorporated to the City of Cleveland as if set forth herein.

**Section 241.05 Food Shop Licenses and Fees**

(a) No food shop shall be operated without the person, firm, association, or corporation conducting the business first applying for and obtaining an annual license. All fees and charges assessed under this section shall be paid to the Commissioner of Assessments and Licenses.

(b) The provisions of RC Chapters 3715 and 3717 pertaining to the licensing, administration and enforcement of food safety programs by the local licensing authority are adopted and incorporated herein by the City of Cleveland.

(c) The holder of a food service operation license as defined by state law shall not be required to obtain a retail food establishment license except when the activities of a retail food establishment and a food service operation are carried on within the same facility by the same person or entity, then the determination of what license applies shall be made according to the primary business of the person or entity as determined by the licensor, the City of Cleveland Director of Public Health, as described in RC 3717.44.

(d) For a mobile food service operation or mobile retail food establishment, the annual fee shall be **one hundred thirty dollars and nine cents (\$130.09)**.

(e) For a vending food service operation, the annual fee shall be **fourteen dollars and four cents (\$14.04)**.

(f) For a temporary commercial food service operation and temporary retail food establishments, the fee shall be forty dollars (\$40.00) per five (5) day event. For a temporary non-commercial food service operation and temporary retail food establishments, the fee shall be twenty dollars (\$20.00) per five (5) day event.

(g) The Commissioner of Assessments and Licenses may also collect fees for collection and bacteriological examination of samples taken from a food shop in an amount equal to the cost of such collection and examination as determined by the Director of Public Health.

(h) Except for plans pertaining to mobile or temporary food service operations or vending devices, the Commissioner of Assessments and Licenses shall collect fees in the amounts stated below, for plan reviews of food shops prior to submission of plans to the Department of Public Health:

Plan Review Fee	Commercial	
	Non-	Commercial
New Operations, less than 25,000 sq. feet		<b>\$225.00</b> <b>\$112.50</b>
New Operations, greater than 25,000 sq. feet		\$300.00 \$150.00
Extensive Alteration, less than 25,000 sq. feet		\$ 75.00 \$ 37.50
Extensive Alteration, greater than 25,000 sq. feet		\$100.00 \$ 50.00

(i) The Commissioner of Assessments and Licenses shall submit all applications for a food shop license to the Director of Public Health for approval or disapproval of the application.

(j) The Commissioner of Assessments and Licenses is authorized to collect license fees for retail food establishments and food service operations and deposit the fees into a fund created under RC 3717.25 and 3717.45.

(k) For purposes of this section, non-commercial organizations are defined as organizations such as churches, or non-profit organizations operated exclusively for charitable purposes as defined in RC 5739.02(B)(12), provided that displayed foods are not displayed for more than seven (7) consecutive days or more than fifty-two (52) separate days per year.

(l) For a food service operation, a penalty of twenty five percent (25%) of any license fee required by this section must be paid before the issuance of the license if the required license fee is not paid on or before the date it is due.

**Section 241.21 Licensing Outdoor Restaurants: Procedure and Fee**

(a) To provide for issuance of annual licenses by the Commissioner of

Assessments and Licenses and to direct the Director of Public Health to develop rules for the operations not inconsistent with state statutes and regulations, application shall be accepted by the Commissioner of Assessments and Licenses from restaurants, the approval of which will allow them to conduct **commercial activity** outdoors.

(b) Each license application shall have included with it a sketch of the premises showing what outdoor areas are proposed to be used for **commercial activity**.

(c) Before any food shop may expand its operation to an outdoor area, in addition to obtaining a food service operation or retail food establishment license, it must submit a new application for an outdoor restaurant license and new sketch of the premises to the Commissioner of Assessments and Licenses and obtain approval as required by this section.

(d) Each application shall be accompanied by an outdoor license fee of fifty dollars (\$50.00).

(e) This section shall in no way supersede any applicable portions of City or state health regulations.

(f) On the approval of the application by the Director of Public Health, the Commissioner of Assessments and Licenses shall issue the outdoor restaurant license. Denial of an outdoor restaurant license may be appealed to the Board of Zoning Appeals.

(g) After issuance of the outdoor restaurant license, each applicant must submit an application for a sidewalk permit under Chapter 513 of these Codified Ordinances.

**Section 241.35 Categories and Fees**

(a) Each application to the Commissioner of Assessments and Licenses for a food service operation license required under RC 3717.43, or for a retail food establishment license required under RC 3717.23 shall be accompanied by a combined license and inspection fee as follows:

(1) Food service operations and retail food establishments less than twenty-five thousand (25,000) square feet of floor space:

Risk Level	Fee
Level I	\$134.08
Level II	\$149.03
Level III	\$270.45
Level IV	\$338.63

(2) Food service operations and retail food establishments greater than twenty-five thousand (25,000) square feet of floor space:

Risk Level	Fee
Level I	\$186.71
Level II	\$195.68
Level III	\$653.23
Level IV	\$691.51

(3) Non-commercial food service operations and non-commercial retail food establishments less than twenty-five thousand (25,000) square feet of floor space:

Risk Level	Fee
Level I	\$ 67.04
Level II	\$ 74.52
Level III	\$135.23
Level IV	\$169.32

(4) Non-commercial food service operations and non-commercial retail food establishments greater than twenty-five thousand (25,000) square feet of floor space:

Risk Level	Fee
Level I	\$ 93.36
Level II	\$ 97.84
Level III	\$326.62
Level IV	\$345.76

(b) The risk level categories described herein shall have the meaning established in any rules promulgated under RC Chapters 3715 and 3717.

**Section 241.99 Penalty**

(a) Whoever violates Section 241.05 is guilty of a misdemeanor of the **first degree. Each day the violation continues is a separate offense.**

(b) Whoever violates Sections 241.36, 241.37, or 241.38 is guilty of a minor misdemeanor. **Effective January 1, 2016, whoever violates Section 241.07 is guilty of a minor misdemeanor. Each day the violation continues is a separate offense.**

(1) In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(2) If the offender persists in improper operations after reasonable warning or request to desist, improper operations is a misdemeanor of the first degree.

(c) Unless otherwise specified in this chapter, whoever violates any of the provisions of this chapter, or of any ordinance amending or supplementing such provisions, shall be guilty of a first degree misdemeanor and fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both. **Each day the violation continues is a separate offense.**

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

Sections 241.02, 241.03, 241.05, and 241.21, as amended by Ordinance No. 1657-11, passed November 29, 2011,

Section 241.35, as amended by Ordinance No. 83-09, passed February 9, 2009, and

Section 241.99, as amended by Ordinance No. 210-11, passed April 25, 2011 are repealed.

**Section 3.** That, effective January 1, 2016, the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 241.061 to read as follows:

**Section 241.061 Public Health Information Sign Requirements**

(a) At the completion of each inspection of a licensed facility, the Cleveland Department of Public Health shall issue and deliver a public health information sign to the proprietor in accordance with the provisions of this chapter. The proprietor shall continually maintain and display the most recent public health information sign issued by the Cleveland Department of Public Health until a more recent public health information sign is issued by Cleveland Department of Public Health.

(b) The public health information sign shall designate whether the licensed facility is inspected and in compliance, inspected and in need of

a follow-up inspection or in the enforcement process.

(c) The public health information sign which designates that a licensed facility is in compliance shall be the color green and shall have the words "INSPECTED" and "satisfactory as of the date of inspection."

(d) The public health information sign which designates that a licensed facility is in the enforcement process shall be the color white if the facility has 1-4 violations, yellow if the facility has 5-6 violations, and red if the facility has 7 or more violations, and shall have the words "INSPECTED" and "enforcement process."

**Section 4.** That, effective January 1, 2016, Section 241.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1657-11, passed November 29, 2011, is amended to read as follows:

**Section 241.07 Display of License, Permit, and Public Health Information Sign**

(a) No person shall fail to display the license or permit issued under this chapter in a conspicuous place upon the wall and close to the entrance of the premises where such business is conducted.

(b) No person shall fail to display the public health information sign issued by the Cleveland Department of Public Health in the most recent manner that is clearly visible to the general public and to patrons entering the licensed facility.

(c) Upon receipt of a public health information sign, the proprietor shall:

(1) Post the public health information sign in the front window of the establishment so as to be visible from outside and located within five feet of the front door and not less than four (4) feet or more than six (6) feet from the floor; or posted in a display case which is mounted on the outside front wall of the establishment and located within five feet of the front door and not less than four (4) feet or more than six (6) feet from the floor; or posted in a location as directed and determined at the discretion of the Cleveland Public Health Department to ensure proper notice to the general public and to patrons.

(2) In the event that the licensed facility is operated in the same building or space as another business, or in the event that a licensed facility shares a common patron entrance with another business, or in the event of both, the public health information sign shall, unless otherwise directed by the Cleveland Public Health Department, be posted in the initial patron contact area or in a location as directed and determined at the discretion of the Cleveland Public Health Department to ensure proper notice to the general public and to patrons.

(3) No proprietor shall cause or allow the public health information sign to be altered, defaced, marred, camouflaged, removed, duplicated, replaced or hidden from view.

(4) Continually maintain and display only the most recent public health information sign.

(d) Food vehicles shall display a public health information sign in accordance with division (b) of this section and display the name and address of the business on the side of such vehicle in letters at least two (2) inches high and shall have displayed the vehicle permit plate issued by the Commissioner of Assessments and Licenses.



**Section 5.** That, effective January 1, 2016, Section 241.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1657-11, passed November 29, 2011, is repealed.

**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.

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

**Res. No. 494-15.**

**By Council Member Brancatelli.**

**An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 5612 Harvard Avenue, 1st floor and basement and repealing Resolution No. 909-13, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D5 Liquor Permit to American Nightlife Magazine, Inc., 5612 Harvard Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 0164864 by Resolution No. 909-13, adopted by the Council on July 10, 2013; and

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

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

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

**Section 1.** That objection to the renewal of a D5 Liquor Permit to American Nightlife Magazine, Inc., 5612 Harvard Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 0164864, be and the same is hereby withdrawn and Resolution No. 909-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

**Res. No. 495-15.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 1222 Prospect Avenue, 1st floor and basement and repealing Resolution No. 1018-14, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to Club Center Lounge, Inc.,

DBA Xecutive Lounge, 1222 Prospect Avenue, 1st floor and basement, Cleveland, Ohio 44115, Permanent Number 15721860001 by Resolution No. 1018-14, adopted by the Council on August 20, 2014; and

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

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

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

**Section 1.** That objection to the renewal of a D5 and D6 Liquor Permit to Club Center Lounge, Inc., DBA Xecutive Lounge, 1222 Prospect Avenue, 1st floor and basement, Cleveland, Ohio 44115, Permanent Number 15721860001, be and the same is hereby withdrawn and Resolution No. 1018-14, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

**Res. No. 496-15.**

**By Council Member Cummins.**

**An emergency resolution objecting to a New C2 Liquor Permit at 3474 West 25th Street.**

Whereas, Council has been notified by of an the Division of Liquor Control application for a New C2 Liquor Permit at West 25th Gas & Go, Inc., 3474 West 25th Street, Cleveland, Ohio 44109, Permanent Number 9526240; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C2 Liquor Permit at West 25th Gas & Go, Inc., 3474 West 25th Street, Cleveland, Ohio 44109, Permanent Number 9526240; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 497-15.**

**By Council Member Kelley.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 5741 Memphis Avenue and repealing Resolution No. 116-15 objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a C1 and C2 Liquor Permit to Brahamani Food, LLC, DBA Convenient Food Mart, #3053, 5741 Memphis Avenue, Cleveland, Ohio 44114, Permanent Number 0909290 by Resolution No. 116-15 adopted by the Council on February 2, 2015; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to Brahamani Food, LLC, DBA Convenient Food Mart, #3053, 5741 Memphis Avenue, Cleveland, Ohio 44114, Permanent Number 0909290, be and the same is hereby withdrawn and Resolution No. 116-15, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

## SECOND READING EMERGENCY ORDINANCES PASSED

### Ord. No. 194-15.

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

An emergency ordinance authorizing the Director of Port Control to lease certain warehouses located at City Docks 30 and 32 to various companies for the purposes that may include storage, movie staging, construction staging, and special events, for a term of two years, with three one-year options to renew, the third of which is exercisable through additional legislative authority.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Passage recommended by Committees on Transportation, Finance, when amended, as follows:

1. In the title, strike lines 7, 8, and 9 in their entirety and insert: **"years, with two one-year options to renew, the first of which shall require additional legislative authority."**

2. Strike Section 2 in its entirety and insert:

**"Section 2. That the term of the lease or leases authorized by this ordinance shall not exceed two years, with two one-year options to renew. The first of the one-year option 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 Port Control, without the necessity of obtaining additional authority of this Council. The Director of Port Control may terminate any lease entered into under this ordinance by giving a thirty-day notice to the Lessees."**

Amendments agreed to.

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

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

### Ord. No. 221-15.

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

An emergency ordinance determining the method of making the public improvement of installing or constructing a storage structure for equipment at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into one or more public improvement

contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Transportation, Finance.

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

### Ord. No. 225-15.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of parts necessary to repair and maintain vehicles, trucks, and various types of equipment, including labor and installation, if necessary, for the Divisions of Cleveland Hopkins International Airport and Burke Lakefront Airport, Department of Port Control, for a term of two years, with two one-year options to renew, the first of which is exercisable by the Director of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Transportation, Finance, when amended, as follows:

1. In the title, strike lines 10 and 11 and insert **"year options to renew, the first of which shall require additional legislative authority."**

Amendment agreed to.

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

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

### Ord. No. 269-15.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control, for a period of two years with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Transportation, Finance.

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

### Ord. No. 351-15.

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

An emergency ordinance authorizing the Director of City Planning to apply for and accept one or more grants from the Northeast Ohio Area Coordinating Agency through the Ohio Department of Transportation for the 2015 Transportation for Livable Communities Initiative; authorizing the Director to enter into one or more agreements, including a multi-party agreement, professional services contracts, and other agreements needed to implement this ordinance.

Approved by Directors of City Planning Commission, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance, when amended, as follows:

1. In Section 7, line 3, strike "Fund No. xxx" and insert **"Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, and any funds approved by the Director of Finance, including future bond funds if issued for this purpose"**.

Amendment agreed to.

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

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

### Ord. No. 399-15.

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

An emergency ordinance to amend Section 7 of Ordinance No. 1588-09, passed November 30, 2009, relating to the public improvement of rehabilitating the terminal ticketing lobby at Cleveland Hopkins International Airport.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Transportation, Finance.

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

### Ord. No. 400-15.

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

An emergency ordinance to amend Sections 1 and 7 of Ordinance No. 1587-09, passed November 30, 2009, relating to the public improvement of rehabilitating the exterior terminal building facade at Cleveland Hopkins International Airport; and to supplement the ordinance by adding new Section 6a, authorizing the director to accept the gift of funds from the Rental Car Consortium for the purpose of constructing canopies for the benefit of the traveling public.

Approved by Directors of Port Control Finance, Law; Passage recommended by Committees on Transportation, Finance.

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

### Ord. No. 403-15.

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Section 52 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications.

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

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

### Ord. No. 416-15.

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

An emergency ordinance authorizing the lease by one or more contracts of up to two high-reach extendable

turret vehicles, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period of up to ten years.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Transportation, Finance.

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

#### MOTION

On the motion of Council Member Mitchell, the absence of Council Member Kevin Conwell is hereby authorized. Seconded by Council Member Brady.

#### MOTION

The Council Meeting adjourned at 7:21 p.m. to meet on Monday, May 4, 2015, 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

April 22, 2015

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 15, 2015 at 10:37 a.m. with Director Langhenry presiding.

Present: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Absent: Mayor Jackson.

Others: Tiffany White, Commissioner, Division of Purchases & Supplies.

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

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

##### Resolution No. 126-15.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Wesco Distribution, Inc., an estimated quantity of various types of safety equipment and supplies required for OSHA/PERRP compliance, for Group 1, All Items & Group 4, Item 4b, for the various divisions of City government, for a period of two years starting upon the later of the execution of a contract, or the day following expiration of the currently effective contract, with two

one-year options to renew, received on March 4, 2015, under the authority of Ordinance No. 1524-14, passed by Cleveland City Council on November 24, 2014, which on the basis of the estimated quantity would amount to \$507,500.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the labor and materials necessary for the specified items.

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

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

##### Resolution No. 127-15.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Ohio Machinery Co., dba Ohio Cat, an estimated quantity of various types of safety equipment and supplies required for OSHA/PERRP compliance, for Group 2, All Items, for the various divisions of City government, for a period of two years starting upon the later of the execution of a contract, or the day following expiration of the currently effective contract, with two one-year options to renew, received on March 4, 2015, under the authority of Ordinance No. 1524-14, passed by Cleveland City Council on November 24, 2014, which on the basis of the estimated quantity would amount to \$474,500.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the labor and materials necessary for the specified items.

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

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

##### Resolution No. 128-15.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Airgas USA, LLC, an estimated quantity of various types of safety equipment and supplies required for OSHA/PERRP compliance, for Group 3, all Items and Group 5, Item 5c, for the various divisions of City government, for a period of two years starting upon the later of the execution of a contract, or the day following expiration of the currently effective contract with two one-year options to renew, received on March 4, 2015, under the authority of

Ordinance No. 1524-14, passed by Cleveland City Council on November 24, 2014, which on the basis of the estimated quantity would amount to \$1,465,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the labor and materials necessary for the specified items.

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

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

##### Resolution No. 129-15.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Interstate Safety & Service Co., Inc., an estimated quantity of various types of safety equipment and supplies required for OSHA/PERRP compliance, for Group 4, Items 4a, 4a1, 4c, 4c1 and 4d, for the various divisions of City government, for a period of two years starting upon the later of the execution of a contract, or the day following expiration of the currently effective contract, with two one-year options to renew, received on March 4, 2015, under the authority of Ordinance No. 1524-14, passed by Cleveland City Council on November 24, 2014, which on the basis of the estimated quantity would amount to \$367,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the labor and materials necessary for the specified items.

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

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

##### Resolution No. 130-15.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Cintas Corporation, except for such terms and conditions as are unacceptable to Director of Law, an estimated quantity of various types of safety equipment and supplies required for OSHA/PERRP compliance, for Group 5, Items 5A & B, for the various divisions of City government, for a period of two years starting upon the later of the execution of a contract, or the day following expiration of the currently effective contract, with two one-year options to



renew, received on March 4, 2015, under the authority of Ordinance No. 1524-14, passed by Cleveland City Council on November 24, 2014, which on the basis of the estimated quantity would amount to \$165,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the labor and materials necessary for the specified items.

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

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 131-15.**

By Interim Director Dumas.  
Be it resolved by the City of Cleveland that the employment of the following subcontractors by Triad Engineering and Contracting Co. under Contract No. PI2014\*51 for the public improvement contract for Milligan Avenue Sewer Project, for the Division of Water Pollution Control, Department of Public Utilities, is approved:

Subcontractor	CSB/MBE/FBE Work
Precision Procut	CSB \$ 1,000.00(0.24%)
Sydney Enterprises, LLC	CSB/MBE/FBE \$24,120.00(5.79%)
Lakewood Supply	CSB \$ 2,400.00(0.58%)
Tech Ready Mix	CSB/MBE \$37,400.00(8.98%)
Timeline Photography	CSB/FBE \$ 450.00(0.11%)
Ferguson Waterworks	Non-certified \$ 9,500.00(0.00%)
Hanson Pipe Products	Non-certified \$ 8,376.00(0.00%)
Ontario Stone	Non-certified \$ 4,900.00(0.00%)

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 132-15.**

By Interim Director Dumas.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Ferguson Enterprises, Inc. dba Ferguson Waterworks for an estimated quantity of fire hydrants and fire hydrant parts, items 25 and 26, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution

of a contract or the day following expiration of the currently effective contract for the goods and services, received on December 5, 2014 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$108,000.00 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 133-15.**

By Interim Director Dumas.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of EJ USA, Inc. for an estimated quantity of fire hydrants and fire hydrant parts, items 7-12 and 29, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods and services, received on December 5, 2014 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$428,798.25 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 134-15.**

By Interim Director Dumas.  
Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of McWane, Inc. dba Clow Valve Company, except for such terms and conditions as are unacceptable to the Director of Law, for an estimated quantity of fire hydrants and fire hydrant parts, items 13-24 and 27, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective

contract for the goods and services, received on December 5, 2014 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$5,006,600.00 (2%, 30 Days, Net 31 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 135-15.**

By Interim Director Dumas.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of McWane, Inc. dba Kennedy Valve Co. for an estimated quantity of fire hydrants and fire hydrant parts, items 1-4, 28, 30 and 31, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods and services, received on December 5, 2014 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$1,020,200.00 (2%, 30 Days, Net 31 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 136-15.**

By Interim Director Dumas.  
Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Mueller Water Products dba Mueller Co., LLC, except for such terms and conditions as are unacceptable to the Director of Law, for an estimated quantity of fire hydrants and fire hydrant parts, items 5 and 6, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following

expiration of the currently effective contract for the goods and services, received on December 5, 2014 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$244,002.00 (2%, 15 Days, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 137-15.**

By Director Smith.  
Whereas, under the authority of Ordinance No. 1024-97, passed by Cleveland City Council on June 16, 1997, and Board of Control Resolution No. 797-97, adopted September 24, 1997, the City, through its Director of Port Control, entered into City Contract No. 52556 with The Hertz Corporation for the use and occupancy of certain specified service and support space located within the Service Center Facility at the Remote Rental Car Facility; and

Whereas, under the authority of Ordinance No. 1024-97, passed by Cleveland City Council on June 16, 1997, and Board of Control Resolution No. 801-97, adopted September 24, 1997, the City, through its Director of Port Control, entered into City Contract No. 52461 with CLERAC, LLC, successor in interest to CLERAC, Inc., d/b/a Enterprise Rent-A-Car ("CLERAC") for the use and occupancy of certain specified service and support space located within the Service Center Facility at the Remote Rental Car Facility; and

Whereas, by their April 7, 2015 letter, The Hertz Corporation and CLERAC have requested the City's consent to the assignment and assumption of 23,217 square feet of leasehold space under City Contract No. 52461 located on the northeast corner of the Remote Rental Car Facility (Parcel "A") to the Hertz Corporation and to the assignment and assumption of 23,736 square feet of leasehold space under City Contract No. 52556 located immediately adjacent the east side of Parcel "A" to CLERAC, LLC d/b/a Enterprise Rent-A-Car (Parcel "B") (collectively, "Contracts"), effective May 1, 2015; and

Whereas, the Contracts prohibit any transfer without prior authorization of the City through resolution of this Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that as requested by The Hertz Corporation and CLERAC, LLC in their April 7, 2015 letter under City Contract Nos. 52556 and 52461, respectively, this

Board authorizes the assignment of Parcel "A", under City Contract No. 52461, to The Hertz Corporation and the assignment of Parcel "B", under City Contract No. 52556, to CLERAC, LLC d/b/a Enterprise Rent-A-Car effective May 1, 2015; provided, however, that the parties do all things necessary and appropriate to implement the above-described and authorized transactions, and that the parties perform all of their obligations under the Contracts.

Be it further resolved that the Director of Port Control is authorized to execute all documents and to do all things necessary and appropriate to implement the consents authorized above, provided that the terms of the above mentioned transactions do not conflict with or modify the terms and conditions of the Contracts.

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 138-15.**

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 247-11, passed by the Council of the City of Cleveland on June 6, 2011, the firm of Ozanne Construction Company, Inc. ("Consultant") is selected upon nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide design/build services for the Parking Redevelopment Program - Phase II, installing canopies over certain parking lots and contiguous pedestrian areas, and installing landscaping, fencing and other amenities, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written design/build contract with Ozanne Construction Company, Inc. for the above-mentioned services, based upon its proposal dated February 6, 2015, which contract shall be prepared by the Director of Law, shall provide that the compensation to Ozanne Construction Company, Inc. for the services authorized shall not exceed \$9,780,308.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subcontractors by Ozanne Construction Company, Inc. is approved:

<u>Design Sub-Consultants</u>	<u>CSB/OEO</u>
<u>Percentage</u>	<u>Amount</u>
Robert P. Madison International	CSB/MBE \$50,000.00
Studio Graphique, Inc.	CSB/FBE \$16,000.00

Knight & Stolar, Inc.	CSB/FBE \$18,750.00
KS Associates	FBE \$25,000.00
TranSystems Corp. of Ohio	Non-CSB \$25,044.24
Jones Technologies	CSB/MBE \$710,000.00
JWT & A	CSB/MBE \$50,000.00
Gateway Electric	CSB/MBE \$577,000.00
North Coast Concrete	CSB \$570,300.00
North Coast Paving	CSB \$200,000.00
Down to Earth Landscaping	CSB/FBE \$45,000.00
Ballast Fence	CSB/FBE \$67,500.00
Frank Novak & Son	CSB/FBE \$48,624.00
Chieftain Trucking and Excavating	CSB/FBE \$131,000.00

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 139-15.**

By Director Spronz.  
Whereas, under the authority of Ordinance No. 1514-14, passed by the Council of the City of Cleveland on December 8, 2014, this Board of Control adopted Resolution No. 73-15 on March 11, 2015, approving the selection of DLZ Ohio, Inc. upon the nomination of the Director of Capital Projects from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Rehabilitation of MLK Bridge No. 5:029M and the Rehabilitation of MLK Bridge No. 5:055M; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 73-15, adopted March 11, 2015, authorizing a contract with DLZ Ohio, Inc. for the engineering services necessary for the Rehabilitation of MLK Bridge No. 5:029M and the Rehabilitation of MLK Bridge No. 5:055M, is amended by adding "Ordinance No. 1515-14, passed by the Council of the City Cleveland on December 8, 2014," in the first paragraph after the reference to Ordinance No. 1514-14, passed December 8, 2014.

Be it further resolved by the Board of Control that all other provisions of Resolution No. 73-15 not expressly amended above shall remain in full force and effect.

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 140-15.**

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Company, Inc. for the public improvement of repairing and constructing improvements to City rights-of-way including, but not limited to, roadways, bus pads, sidewalks, driveway aprons, curbs, curb ramps, brick streets, and appurtenances, bid items 195-203, for the Mayor's Office of Capital Projects, received on March 18, 2015, under the authority of Ordinance No. 1325-14, passed by Cleveland City Council on November 17, 2014, upon a unit price basis for the improvements to be performed as ordered during the period of twenty-four months starting upon execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$509,532.82, is affirmed and approved as the lowest responsible bid, and the Director of the Mayor's Office of Capital Projects is authorized to enter into a public improvement by requirement contract for the improvement.

The public improvement by requirement contract shall further provide that the contractor will perform all the city's requirements for the work as may be ordered under delivery orders separately certified against the public improvement by requirement contract, whether the same shall be more or less than the total estimate of work to be performed under the contract.

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 141-15.**

By Director Rush.

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. 109-15-079 located at 10843 Pasadena 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, Patricia Smith 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 9 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 Patricia Smith for the sale and development of Permanent Parcel No. 109-15-079 located at 10843 Pasadena 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: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 142-15.**

By Director Rush.

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. 121-16-120 located at 2199 East 95th 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, Donna J. Williams 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 Donna J. Williams for the sale and development of Permanent Parcel No. 121-16-120 located at 2199 East 95th

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: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 143-15.**

By Director Rush.

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. 142-02-014 and 142-02-016 located at 14115 Miles Avenue and 14119 Miles 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, Frederick Hardman has proposed to the City to purchase and develop the parcels for a market garden; and

Whereas, the following conditions exist:

1. The member of Council from Ward 1 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 Frederick Hardman for the sale and development of Permanent Parcel Nos. 142-02-014 and 142-02-016 located at 14115 Miles Avenue and 14119 Miles 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 parcels shall be \$400.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.



**Resolution No. 144-15.**

By Director Rush.

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. 129-25-045 located at 3058 East 130th 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, Dale E. Woodard 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 4 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 Dale E. Woodard for the sale and development of Permanent Parcel No. 129-25-045 located at 3058 East 130th 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 \$1.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 145-15.**

By Director Rush.

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. 008-15-030 located at 3271 West 23rd Place; 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, Tracy Suhm and Steven Suhm 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 14 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 purchasers of the parcel are 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 Tracy Suhm and Steven Suhm for the sale and development of Permanent Parcel No. 008-15-030 located at 3271 West 23rd Place, 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: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 146-15.**

By Director Rush.

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. 132-19-013 located at 6424 Warsaw 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, Arthur L. Croom 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 12 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 Arthur L. Croom for the sale and development of Permanent Parcel No. 132-19-013 located at 6424 Warsaw 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: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 147-15.**

By Director Rush.

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., 113-15-035 located at 341 East 156th Street and 113-16-100 located at 357 East 156th 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, Northeast Shores Development Corporation has proposed to the City to purchase and develop Permanent Parcel No. 113-15-035 for public parking and Permanent Parcel No. 113-16-100 for a community garden; and

Whereas, the following conditions exist:

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

2. The proposed purchaser of the 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 Northeast Shores Development Corporation for the sale and development of Permanent Parcel Nos., 113-15-035 located at 341 East 156th Street and 113-16-100 located at 357 East 156th 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 \$200.00 each, which amount is determined to be not less than the



fair market value of the parcels for uses according to the Program.

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 148-15.**

By Director Rush.

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 Nos. 015-12-081 located at 4014 Arnold Court and 015-12-101 located at 3559 Fulton Road; 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 lease Land Reutilization Program parcels; and

Whereas, Detroit Shoreway Community Development Organization has proposed to the City to lease and develop the parcels for reading garden; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has either approved the proposed lease or has not disapproved or requested a hold of the proposed lease within 45 days of notification of it;

2. The proposed lessee 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 a lease for a term of five (5) years, for and on behalf of the City of Cleveland, with Detroit Shoreway Community Development Organization for the lease and development of Permanent Parcel Nos. 015-12-081 located at 4014 Arnold Court and 015-12-101 located at 3559 Fulton Road, 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 lease of the parcel shall be a one-time fee of \$5.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 149-15.**

By Director Rush.

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 Nos. 134-19-018, 134-19-019 and 134-19-020 located on Warner Road; 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 lease Land Reutilization Program parcels; and

Whereas, Slavic Village Development Corporation has proposed to the City to lease and develop the parcels for community garden; and

Whereas, the following conditions exist:

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

2. The proposed lessee 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 a lease for a term of three (3) years, for and on behalf of the City of Cleveland, with Slavic Village Development Corporation for the lease and development of Permanent Parcel Nos. 134-19-018, 134-19-019 and 134-19-020 located on Warner Road, 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 lease of the parcels shall be a one-time fee of \$3.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 150-15.**

By Director Dumas.

Whereas, under the authority of Ordinance No. 1067-01 passed by the Cleveland City Council on July 18, 2001, and Board of Control Resolutions No. 134-03, adopted March 12, 2003, as amended by Resolution No. 307-03, adopted May 28, 2003, the City of Cleveland, through the Director of Finance, entered into an agreement with Automatic Data Processing (ADP) Inc., City Contract No. 61386, on or about June 17, 2003, for one or more licenses for an integrated payroll and human resources information system, for check processing services, reports, training, implementation, and support for a period of one year, beginning in 2003, with four successive one-year renewal options which would end in 2008, and a first amendment thereto; and

Whereas, under Ordinance No. 1547-06, passed on October 23, 2006, amending Ordinance No. 1067-01 by changing the number of authorized one-year renewal options to nine options, which would end in 2013, the City entered into a second amendment to Contract No. 61386 to reflect the increased number of optional renewal terms, to reduce certain charges provided in contract provide a major version update without charge, and to eliminate certain update and support charges; and

Whereas, under Ordinance No. 1223-11, passed on September 26, 2011, amending Ordinance No. 1547-06 by changing the number of authorized renewal options to fourteen successive one-year terms, which would end in 2018, the City entered to a third amendment to Contract No. 61386 to reflect the increased number of optional renewal terms, to obtain an enhancement automating human resources benefit administration, and to restructure payments to ADP through 2018; and

Whereas, under the authority of division (d) of Section 181.102 C.O., the City intends to enter into an agreement with ADP Inc. to upgrade and enhance the above-mentioned payroll and human resources information system, based on ADP's statement of work dated March 11, 2015; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of division (e) of Section 181.102 C.O., the compensation to be paid ADP for the upgrade and enhancement to the above-mentioned payroll and human resources information system shall not exceed \$204,000.

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 151-15.**

By Interim Director Dumas.

Whereas, Board of Control Resolution No. 122-15, adopted April 15, 2015, authorized the Director of Finance to enter into contract with MidAmerican Energy Company to provide electric generation service for City buildings serviced by the Cleveland Electric Illuminating Company, for a period of three years, for the various departments of the City of Cleveland; and

Whereas, Resolution No. 122-15 stated a provisional rate of compensation to MidAmerican Energy Company per kilowatt-hour for its electric generation service, subject to revision within one day of the quote; and

Whereas, MidAmerican's rate changed within one day of the provisionally quoted rate; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 122-15, adopted by this Board April 15, 2015, authorizing the Director of Finance to enter into contract with MidAmerican Energy Company to provide electric generation service for City buildings serviced by the Cleveland Electric Illuminating Company, is amended by deleting the "\$0.05383"

per kilowatt-hour where appearing in the resolution and substituting "\$0.05420".

Be it further resolved that all other provisions of Resolution No. 122-15 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Director Langhenry, Acting Directors White, Wood, Shaw, Johnson, Directors Parrilla, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

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

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

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

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

ROBERT BENNETT,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 18, 2015

9:30 A.M.

**Calendar No. 15-074:** 6012 West Clinton Avenue (Ward 15)

Ralph McCormack, owner, proposes to erect 137 linear feet of 4-6 foot high chain link fence in side and rear yard in a B2 Two-Family Residential District. The appellant appeals for relief from Section 358.04(a) which states that no fence shall be higher than its distance from a residence building on an adjoining lot. Proposed 4-6 foot high fence will be 1 foot from residence building on adjoining lot. (Filed April 14, 2015)

**Calendar No. 15-077:** 2502 West 8th Street (Ward 3)

John and Randi Zubin, owner, proposes to erect a two story 500 square

foot addition to an existing single family residence on a 2,100 square foot lot in a B1 Two Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the maximum gross floor area in a 'B' Area District shall not exceed 1/2 the lot area, or 2,100 square feet and a 1,267 square foot dwelling is proposed.

2. Section 357.08(b)(1) which states that the depth of the rear yard shall be not less than the height of the main building or in this case approximately 21' - 8". The proposed rear yard is approximately 5' - 10".

3. Section 357.09(b)(2)(B) which states that in a Two Family Residential District no interior side yard on a lot occupied by a dwelling house 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 which in this case is equal to approximately 5' - 5" and a 2' - 7" side street yard is proposed.

4. Section 357.05(b) which states that on the rear third of a corner lot where the lot line abuts a Residence District, the building line shall be not less than ten feet back from the side street line and a 2' - 7" side street yard is proposed. (Filed April 20, 2015)

**Calendar No. 15-078:** 16408 Myrtle Avenue (Ward 1)

Michelle Payne, owner, proposes to establish use as a Type A day care in an A1 One-Family Residential District. The owner appeals for relief from Section 337.02(f)(3)(C) which states that the Board of Zoning Appeals approval is required for day care use in the One-Family Residential District and is required to be 30 feet from any adjoining premises in a residence district not used for similar purpose. (Filed April 21, 2015)

**Calendar No. 15-080:** 2658 Scranton Road (Ward 3)

Wagner Industries, owner, propose to change use from manufacturing to 59 apartment units and commercial space in a C2 Semi-Industry District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 357.04(a) which states that the required front yard must be equal to 15% of the average lot depth which in this case is 30 feet and a 0 front yard is proposed.

2. Section 357.08(b)(2) which states that the rear yard must be equal to 15% of lot depth which in this case is 38 feet and 6 feet are proposed.

3. Section 355.04 which states that the maximum gross floor area of building in a "C" district cannot exceed 1/2 the lot area; lot area is 43,861 square feet therefore 21,931 square feet are permitted and 89,788 square feet are proposed.

4. Section 325.03 which states that the required area of accessory parking spaces is 180 square feet where

120 square feet, 144 square feet and 162 square feet are proposed.

5. Section 349.04 which states that the total required parking is 118 spaces and 21 spaces are proposed. (Filed April 21, 2015)

### Violation Notice

**Calendar No. 15-073:** 2650 East 69th Street (Ward 5)

Beaver Ave. Land Co., LLC, owner, and Four J's Services, tenant, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the Notice of Violation V15007622 issued on March 16, 2015 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02 regarding establishing use as storage without a Certificate of Occupancy. (Filed April 12, 2015)

POSTPONED FROM APRIL 13, 2015

**Calendar No. 15-022:** 8035 Superior Avenue (Ward 7)

La Femme Couture, owner, proposes to change use to a food store in a C2 Multi-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that food stores are first permitted in a Local Retail Business District.

2. Section 352.10(c) which states that a minimum 6 feet of landscaping frontage strip is required and none are proposed.

3. Section 357.13 which states that parking is not a permitted encroachment in a Residence District. (Filed February 3, 2015 - no testimony)

First postponement was made at the request of the City Planner to allow for design review to take place. Second postponement made at the request of the appellant.

Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 27, 2015

At the meeting of the Board of Zoning Appeals on Monday, April 27, 2015 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 15-35:** 1455 West 29th Street

Ohio City Firehouse, LLC., owner, proposes to change use of a building located in a D2 Local Retail Business District from photo lab studio to mixed use, including residences, flower shop and coffee shop.

**Calendar No. 15-59:** 14608 Roxboro Avenue

Mark R. Bast, owner, proposes to erect a new master bedroom addition to residence in an A1 One-Family Residential District.

**Calendar No. 15-60:** 3322 Broadview Road

Apolonio Lumaban, owner, proposes to change use to Motor Vehicle

Service Garage for detailing of automobiles in a C2 Local Retail Business District.

The following appeal was **DENIED**:

**Calendar No. 14-236:** 3401 Denison Avenue

George Sevastos, owner, proposes to re-establish use as motor vehicle sales in a C1 Multi-Family Residential District.

The following appeals were **DISMISSED**:

None.

The following appeals were **WITHDRAWN**:

None.

The following cases were **POSTPONED**:

**Calendar No. 15-61:** Vincent and Susan DeGeorge  
8 Lakefront Walk. Postponed to June 8, 2015.

**Calendar No. 15-65:** Carey Holdings Inc.  
5705 Ensign Avenue. Postponed to May 26, 2015.

The following case was heard and approved by the Board of Zoning Appeals on Monday, April 20, 2015 and the decision was **ADOPTED** and approved on Monday, April 27, 2015.

**Calendar No. 15-55:** 2472 Tremont Avenue

Civic Builders, owner, proposes to erect a 55' x 46', 3 story frame triangular single family residence with an attached garage in a C1 General Retail Business District.

The following case was heard and approved by the Board of Zoning Appeals on Monday, October 20, 2014 and the decision was **ADOPTED** and approved on Monday, April 27, 2015.

**Calendar No. 14-189:** 1202 Kenilworth Avenue

Ukrainian Museum Archives, LLC, owner proposes to establish a parking lot on a parcel located in a C1 General Retail Business District.

The following cases were **AFFIRMED** (extended an additional 6 months):

**Calendar No. 14-46:** 2390 East 30th Street - Cuyahoga Metropolitan Authority - affirmed to October 28, 2015.

**Calendar Nos. 14-197 and 14-198:** 2041 and 2051 West 11th Place - Roberta Yarosh - affirmed to November 17, 2015.

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 12, 2015  
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 12, 2015, at 9:30 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 249-15.**

By Council Member Keane.  
An ordinance changing the Use, Area and Height Districts of lands on the southeast corner of Lorain Avenue and West 150th from GR-C1 to Local Retail Business, a 'G' Area District and a '2' Height District (Map Change No. 2505).

**Ord. No. 457-15.**

By Council Member Zone.  
An ordinance changing the Use, Area and Height Districts of lands on the northeast corner of Madison Avenue and West 117th Street from LR-B3 and RO-C2 to Residence Office, a 'E' Area District and a '3' Height District (Map Change No. 2508).

**Ord. No. 458-15.**

By Council Member Zone.  
An ordinance changing the existing mapped setback of lands on the northeast corner of Madison Avenue and West 117th Street from 5' to a 0' mapped setback (Map Change No. 2509).

All interested persons are urged to be present or to be represented at the above time and place.

Anthony Brancatelli, Chair  
Committee on Development,  
Planning and Sustainability

April 29, 2015 and May 6, 2015

**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."

**THURSDAY, MAY 7, 2015**

**File No. 52-15 — Citywide Tree Damaged Sidewalk Program**, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 563-14, passed by the Council of the City of Cleveland, November 17, 2014.

\*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER MADE OUT TO THE CITY OF CLEVELAND (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, APRIL 30, 2015 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

\*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

April 22, 2015 and April 29, 2015

**FRIDAY, MAY 8, 2015**

**File No. 53-15 — Labor and Materials for Sewer Test Inspection, Installation and Snaking 2015 (Re-Bid)**, for the Division of



Water Pollution Control, Department of Public Utilities, as authorized by Section 541.13 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, MAY 1, 2015 AT 11:00 A.M. DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

April 22, 2015 and April 29, 2015

**FRIDAY, MAY 15, 2015**

**File No. 54-15 — Rehabilitation of MLK, Jr. BLVD Bridge 50.28 (2-1) & 50.30 (3-1) Over Doan Brook (Re-Bid)**, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 730-13, passed by the Council of the City of Cleveland, May 20, 2013.

\*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 A 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 7, 2015 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

\*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

**File No. 56-15 — Criminal and Civil Filing System**, for the Cleveland Municipal Court, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, MAY 8, 2015 AT 10:30 A.M. CLEVELAND MUNICIPAL CLERK OF COURTS, JUSTICE CENTER, LEVEL 2, 1200 ONTARIO ST., CLEVELAND, OHIO 44114.

April 29, 2015 and May 6, 2015

**WEDNESDAY, MAY 20, 2015**

**File No. 58-15 — Capital Maintenance and Repair of City Facilities**, for the Division of Property Management, Department of Public Works, as authorized by Section 131.67 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, MAY 11, 2015 AT 11:00 A.M.

THE CLEVELAND CITY HALL, DIVISION OF PROPERTY MANAGEMENT, 4150 EAST 49TH, BLDG. 2, 2ND FLOOR, NEWBURGH HEIGHTS, OHIO 44105.

April 29, 2015 and May 6, 2015

**FRIDAY, MAY 22, 2015**

**File No. 55-15 — Centralized Checked Baggage Inspection System WBS No A1-A230-3 (Re-bid)**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 220-15, passed by the Council of the City of Cleveland, Pending.

\*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A 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 7, 2015 AT 1:00 P.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, FEDERAL SERVICE STATION BUILDING, DPC PLANNING AND ENGINEERING, CONFERENCE ROOM 6C-24C, 5301 WEST HANGAR ROAD, CLEVELAND, OHIO 44135.

\*Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

April 29, 2015 and May 6, 2015

**WEDNESDAY, MAY 27, 2015**

**File No. 57-15 — 2015-2018 Department of Finance Citywide Sales of Scrap Metal Materials (Re-bid)**, for the various Divisions of City Government, Department of Finance, as authorized by Section 181.18 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING TUESDAY, MAY 12, 2015 AT 11:00 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 29, 2015 and May 6, 2015

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 409-15.**  
By Council Members Cimperman, Brady, J. Johnson, Cleveland, Kelley, Zone, Cummins and Mitchell.  
An emergency resolution supporting marriage equality and the work of Why Marriage Matters Ohio.

Whereas, the City of Cleveland, host of the 2014 Gay Games, is home to a culturally diverse population who prides itself on its inclusiveness, is one of the first cities in the region to have a domestic partnership registry, and is committed to continued social progress, celebrating the great diversity of our community; and

Whereas, Why Marriage Matters Ohio is working to open the hearts and minds of all Ohioans to the importance of allowing all loving, committed couples to legally marry; and

Whereas, the United States Supreme Court has ruled that marriage is one of the basic civil rights of the American people, fundamental to our very existence and survival; and

Whereas, in 1974, the Supreme Court declared that: "This court has long recognized that freedom of personal choice in matters of marriage and family life is one of the liberties protected by the [Constitution]"; and

Whereas, marriages that are deemed legally valid by the federal and state governments provide the married couple with more than 1,000 federal rights, privileges, economic advantages and legal protections, including access to health care, inheritance of social security benefits and eligibility for significant taxation advantages; and

Whereas, protections afforded to each spouse in a legal marriage include protection of their parental relationship with their children, protection of the inheritance rights of their spouse and children, ensuring hospital visitation rights and the ability to make medical decisions for their spouse, and protection of property rights; and

Whereas, without being declared legally valid, the spouses of same-sex marriages cannot receive these rights, privileges, advantages and protections; and

Whereas, recent national polls show that a majority of Americans now believe same-sex marriage should be recognized by law as valid; and

Whereas, thirty-seven states and the District of Columbia in this nation have legalized marriage for same-sex couples; and

Whereas, in 2013, the Supreme Court ruled Section 3 of the Defense of Marriage Act ("DOMA") as unconstitutional under the Due Process Clause of the Fifth Amendment; and

Whereas, this Council believes that every Ohioan should be allowed to marry the person they love, and fully endorses the efforts of Why Marriage Matters Ohio.

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 supports marriage equality and the work of Why Marriage Matters Ohio.

**Section 2.** That the Clerk of Council is directed to transmit a copy of this resolution to Chris Geggie, Executive Director, Why Marriage Matters Ohio and Alana Jochum, Equality Ohio.

**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 April 20, 2015.  
Effective April 21, 2015.

**Res. No. 433-15.**  
**By Council Members Cummins, Zone, Brancatelli and Reed.**  
**An emergency resolution supporting the renewal of the Cuyahoga County Arts and Culture tax and urging the Cuyahoga County Council to place the renewal referendum on the November ballot.**

Whereas, the Cuyahoga County Arts and Culture tax, a 10-year, 30-cents per cigarette pack tax approved by voters in 2006, will expire at the end of 2016; and

Whereas, the board of trustees of Cuyahoga Arts and Culture will vote on a resolution asking the County Council to place a referendum for renewal of the Cuyahoga County Arts and Culture tax on the November ballot; and

Whereas, the renewal tax must gain approval from the County Council and County Executive Armond Budish in order to be placed on the November ballot; and

Whereas, many arts and cultural organizations across Cuyahoga County receive annual operating grants from the tax, making up significant portions of their budgets; and

Whereas, if this tax is not renewed, revenue for these arts and cultural organizations would disappear after 2017; 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 hereby supports the renewal of the Cuyahoga County Arts and Culture tax and urges the Cuyahoga County Council to place the renewal referendum on the November ballot.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution Armond Budish, County Executive and to all members of the Cuyahoga County Council.

**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 April 20, 2015.  
Effective April 21, 2015.

**Res. No. 434-15.**  
**By Council Member Kelley.**  
**An emergency resolution fixing the 2015 summer schedule of meetings of the Council of the City of Cleveland.**  
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 the 2015 summer schedule of meetings of the Council of the City of Cleveland is as follows:

July 22, 2015  
August 19, 2015

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk prior to each of the above meeting dates. The Council will resume its regular session at 7:00 p.m. on Monday, September 14, 2015.

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

Adopted April 20, 2015.  
Effective April 21, 2015.

**Res. No. 463-15.**  
**By Council Member J. Johnson.**  
**An emergency resolution withdrawing objection to the transfer of location of a D5 and D6 Liquor Permit at 5379 St. Clair Avenue and repealing Resolution No 84-15, objecting to said transfer.**

Whereas, this Council objected to the transfer of location of a D5 and D6 Liquor Permit to Mrki Enterprises, LLC, DBA Mrkis Place, 5379 St. Clair Avenue, 1st floor and patio, Cleveland, Ohio 44103, Permanent No. 6202749 by Resolution No. 84-15 adopted by the Council on January 26, 2015; and

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

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

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

**Section 1.** That objection to the transfer of location of a D5 and D6 Liquor Permit to Mrki Enterprises, LLC, DBA Mrkis Place, 5379 St. Clair Avenue, 1st floor and patio, Cleveland, Ohio 44103, Permanent No. 6202749, be and the same is hereby withdrawn and Resolution No. 84-15, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 20, 2015.  
Effective April 21, 2015.

**Res. No. 464-15.**  
**By Council Member Dow.**  
**An emergency resolution withdrawing objection to the transfer of liquor license of a C2 Liquor Permit at 2701 Chester Avenue and repealing Resolution No. 1641-14, objecting to said transfer.**

Whereas, this Council objected to the transfer of liquor license of a C2 Liquor Permit to AJD Gas, LLC, DBA Liberty Gas USA, 2701 Chester Avenue, Cleveland, Ohio 44114, Permanent Number 00037080001 by Resolution No. 1641-14 adopted by the Council on December 8, 2014; and

Whereas, this Council wishes to withdraw its objection to the above transfer of liquor license and consents to said transfer; and

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

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

**Section 1.** That objection to a C2 Liquor Permit to AJD Gas, LLC, DBA Liberty Gas USA, 2701 Chester Avenue, Cleveland, Ohio 44114, Permanent Number 00037080001, be and the same is hereby withdrawn and Resolution No. 1641-14, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 20, 2015.  
Effective April 21, 2015.

**Res. No. 465-15.**  
**By Council Member Reed.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 4025 East 131st Street and repealing Resolution No. 201-15, objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a C2 and C2X Liquor Permit to Speedy Harvard, LLC, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 8429701 by Resolution No. 201-15 adopted by the Council on February 23, 2015; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C2 and C2X Liquor Permit to Speedy Harvard, LLC, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 8429701, be and the same is hereby withdrawn and Resolution No. 201-15, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted April 20, 2015.  
Effective April 21, 2015.

**Res. No. 466-15.**

**By Council Member Dow.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 8812 Hough Avenue and repealing Resolution No. 1531-14, objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a C2 and C2X Liquor Permit to Taleen Corporation, DBA Hough Beverage & Deli, 8812 Hough Avenue, Cleveland, Ohio 44106, Permanent Number 8785118 by Resolution No. 1531-14 adopted by the Council on November 17, 2014; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C2 and C2X Liquor Permit to Taleen Corporation, DBA Hough Beverage & Deli, 8812 Hough Avenue, Cleveland, Ohio 44106, Permanent Number 8785118, be and the same is hereby withdrawn and Resolution No. 1531-14, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted April 20, 2015.  
Effective April 21, 2015.

**Res. No. 467-15.**

**By Council Member Brancatelli.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 6506 Fleet Avenue and repealing Resolution No. 93-15, objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a C1 and C2 Liquor Permit to SAS Grocery, Inc., DBA Mr. Z, 6506 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 7748295 by Resolution No. 93-15 adopted by the Council on January 26, 2015; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to SAS Grocery, Inc., DBA Mr. Z, 6506 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 7748295, be and the same is hereby withdrawn and Resolution No. 93-15, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted April 20, 2015.  
Effective April 21, 2015.

**Res. No. 468-15.**

**By Council Members Cimperman and Cleveland.**

**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 1144-46 Prospect Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from NDV, LLC, DBA Rathskeller, 1144-46 Prospect Avenue, Cleveland, Ohio 44115, Permanent Number 6277205 to Birdland Waffle - Cleveland LLC, DBA Chicago Home of Chicken & Waffle, 1144-46 Prospect Avenue, Cleveland, Ohio 44115, Permanent Number 0700005; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from NDV, LLC, DBA Rathskeller, 1144-46 Prospect Avenue, Cleveland, Ohio 44115, Permanent Number 6277205 to Birdland Waffle - Cleveland LLC, DBA Chicago Home of Chicken & Waffle, 1144-46 Prospect Avenue, Cleveland, Ohio 44115, Permanent Number 0700005; 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 April 20, 2015.  
Effective April 21, 2015.

**Ord. No. 931-14.**

**By Mayor Jackson and Council Members Zane and Kelley (by departmental request).**

**An emergency ordinance to repeal various sections of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 627.01 to 627.27 relating to weapons; and to supplement the Codified Ordinances by enacting new Sections 628.01 to 628.10 and 628.99 relating to gun offender registry.**

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, are repealed:

Section 627.01, as amended by Ordinance No. 2031-01, passed May 6, 2002,

Section 627.02, as amended by Ordinance No. 100-99, passed June 7, 1999,

Sections 627.03 and 627.04, as amended by Ordinance No. 483-75, passed June 9, 1975,

Section 627.05, as amended by Ordinance No. 54-74, passed March 25, 1974,

Section 627.06, as amended by Ordinance No. 90-96, passed March 18, 1996,

Section 627.08, as amended by Ordinance No. 483-75, passed June 9, 1975,

Section 627.081, as enacted by Ordinance No. 1130-92, passed May 11, 1992,

Section 627.082, as enacted by Ordinance No. 1130-92, passed May 11, 1992,

Section 627.09, as amended by Ordinance No. 483-75, passed June 9, 1975,

Section 627.10, as amended by Ordinance No. 1361-01, passed August 15, 2001

Section 627.11, as amended by Ordinance No. 483-75, passed June 9, 1975,

Section 627.12, as amended by Ordinance No. 1522-75, passed June 16, 1975,

Sections 627.14, 627.15, 627.16, 627.17, 627.18, and 627.19, as amended by Ordinance No. 1020-76, passed June 14, 1976

Sections 627.20 and 627.21, as amended by Ordinance No. 1020-76, passed June 14, 1976

Section 627.22, as amended by Ordinance No. 1656-75, passed May 15, 1976,

Section 627.23, as amended by Ordinance No. 90-96, passed March 18, 1996,

Section 627A.01, as enacted by Ordinance No. 2661-91, passed November 11, 1991,

Sections 627A.02 and 627A.03, as enacted by Ordinance No. 1130-92, passed May 11, 1992,

Section 627.99, as amended by Ordinance No. 1631-05, passed March 20, 2006,

Section 628.01, as enacted by Ordinance No. 2661-91, passed November 18, 1991,

Section 628.02, as amended by Ordinance No. 105-05, passed July 12, 2006,

Sections 628.03 and 628.04, as enacted by Ordinance No. 2661-91, passed November 18, 1991,

Section 628.99, as amended by Ordinance No. 90-96, passed March 18, 1996;

Section 674.01, as amended by Ordinance No. 90-96, passed March 18, 1996,

Section 674.02, as amended by Ordinance No. 1107-76, passed May 10, 1976,

Section 674.03, as amended by Ordinance No. 975-A-75, passed February 9, 1976,

Sections 674.04 and 674.05, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Sections 674.06 and 674.07, as amended by Ordinance No. 90-96, passed March 18, 1996,

Section 674.08, as amended by Ordinance No. 975-A-75, passed February 9, 1976,

Section 674.09, as amended by Ordinance No. 1107-76, passed May 10, 1976, and

Sections 674.10, 674.11, and 674.99, as amended by Ordinance No. 975-A-75, passed February 9, 1976.

**Section 2.** That the Codified Ordinances are supplemented by enacting new Sections 627.01 to 627.27 to read as follows:

#### CHAPTER 627 WEAPONS

##### Section 627.01 Definitions

As used in this Chapter:

(a) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(b) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(c) "Concealed handgun license" or "license to carry a concealed handgun" means:

(1) Subject to this section, a license or temporary emergency license to carry a concealed handgun issued under Section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun issued by another state with which the attorney general has entered into a reciprocity agreement under Section 109.69 of the Revised Code.

(2) A reference in any provision of this Code to a concealed handgun license issued under Section 2923.125 of the Revised Code or a license to carry a concealed handgun issued under Section 2923.125 of the Revised Code means only a license of the type that is specified in that section. A reference in any provision of this Code to a concealed handgun license issued under Section 2923.1213 of the Revised Code, a license to carry a concealed handgun issued under Section 2923.1213 of the Revised Code, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Section 2923.1213 of the Revised Code. A reference in any provision of this Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the attorney general has entered into a reciprocity agreement under Section 109.69 of the Revised Code.

(d) "Dangerous ordnance":

(1) means any of the following, except as otherwise provided in this section:

A. Any automatic or sawed-off firearm, zip-gun, or ballistic knife;

B. Any explosive device or incendiary device;

C. Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;

D. Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;

E. Any firearm muffler or silencer;

F. Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordinance.

(2) does not include any of the following:

A. Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;

B. Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;

C. Any cannon or other artillery piece that, regardless of its actual

age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

D. Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon on a type defined in this division during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

E. Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece.

F. Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that act.

(e) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(f) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States department of transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks," as defined in Section 3743.01 of the Revised Code, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in Section 3743.80 of the Revised Code, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including, but not limited to, the provisions of Section 3743.80 of the Revised Code and the rules of the fire marshal adopted pursuant to Section 3737.82 of the Revised Code.

(g) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

(h) (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.



(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(1) "Handgun" means any of the following:

(1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a type described in this division can be assembled.

(j) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(k) "Sawed-off-firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(l) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(m) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of Section 2923.128 of the Revised Code, under Section 2923.1213 of the Revised Code, or under a suspension provision of the state, other than this state in which the license was issued, and that has not been revoked under division (B)(1) of Section 2923.128 of the Revised Code, under Section 2923.1213 of the Revised Code, or under a revocation provision of the state other than this state in which the license was issued.

(n) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;

(3) Any industrial tool, signaling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.

(RC Section 2923.11)

#### **Section 627.02 Carrying Concealed Weapons**

(a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:

(1) A deadly weapon other than a handgun;

(2) A handgun other than a dangerous ordnance;

(3) A dangerous ordnance.

(b) No person who has been issued a concealed handgun license shall do any of the following:

(1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that

the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) This section does not apply to any of the following:

A. An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's agent's, or employee's duties;

B. Any person who is employed in this state, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in this section does not apply to the person;

C. A person's transportation or storage of a firearm, other than a firearm described in divisions (b), (d), (f), (g), (j) and (n) of Section 627.01 of this Code, in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

D. A person's storage or possession of a firearm, other than a firearm described in divisions (b), (d), (f), (g), (j) and (n) of Section 627.01 of this Code, in the actor's own home for any lawful purpose.

(2) Division (a)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, is carrying a valid concealed handgun license, unless the person knowingly is in a place described in division (B) of Section 2923.126 of the Revised Code.

(d) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the weapon and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was

engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(e) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or division (f)(2) of this section, carrying concealed weapons in violation of division (a)(1) and (a)(2) of this section is a misdemeanor of the first degree. This section shall not apply in any case in which the conduct constitutes a felony under the laws of the State of Ohio.

(2) If a person being arrested for a violation of division (a)(2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in division (B) of Section 2923.126 of the Revised Code, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:

A. The offender shall be guilty of a minor misdemeanor if both of the following apply:

1. Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.

2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Section 2923.126 of the Revised Code.

B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars if all of the following apply:

1. The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.

2. Within forty-five days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Section 2945.71 of the Revised code.

3. At the time of the commission of the offense, the offender was not knowingly in a place described in Division (B) of Section 2923.126 of the Revised Code.

C. If neither division (f)(2) A. nor B. of this section applies, the offender shall be punished under division (f)(1) of this section.

(3) Except as otherwise provided in this division, carrying concealed weapons in violation of division (b)(1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanc-



tion imposed for a violation of division (b)(1) of this section, the offender's concealed handgun license shall be suspended pursuant to division (A)(2) of Section 2923.128 of the Revised Code. If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Section 2923.128 of the Revised Code.

(4) Carrying concealed weapons in violation of division (b)(2) or (3) of this section is a misdemeanor of the first degree. In addition to any other penalty or sanction imposed for misdemeanor violation of division (b)(2) or (3) of this section, the offender's concealed handgun license shall be suspended pursuant to division (A)(2) of Section 2923.128 of the Revised Code.

(g) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, division (B) of Section 2923.163 of the Revised Code applies.

(RC Section 2923.12)

#### **Section 627.03 Reserved**

#### **Section 627.04 Using Weapons While Intoxicated**

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

(RC Section 2923.15)

#### **Section 627.05 Improperly Handling Firearms in a Motor Vehicle**

(a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

(1) In a closed package, box, or case;

(2) In a compartment that can be reached only by leaving the vehicle;

(3) In plain sight and secured in a rack or holder made for the purpose;

(4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon

stripped, or if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(b) No person who has been issued a concealed handgun license, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Section 5503.34 of the Revised Code, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

(1) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license and that the person then possesses or has a loaded handgun in the motor vehicle;

(2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license and that the person then possesses or has a loaded handgun in the commercial motor vehicle;

(3) Knowingly fail to remain in the motor vehicle while stopped or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(c) (1) Divisions (a) and (b) of this section do not apply to any of the following:

A. An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;

B. Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in this division does not apply to the person.

(2) Division (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:

A. The person transporting or possessing the handgun is carrying a valid concealed handgun license.

B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Section 2923.126 of the Revised Code.

(3) Division (a) of this section does not apply to a person if all of the following apply:

A. The person possesses a valid electric-powered all-purpose vehicle permit issued under Section 1533.103 of the Revised Code by the chief of the division of wildlife.

B. The person is on or in an electric-powered all-purpose vehicle as defined in Section 1531.01 of the Revised Code or a motor vehicle during the open hunting season for a wild quadruped or game bird.

C. The person is on or in an electric-powered all-purpose vehicle as defined in Section 1531.01 of the Revised Code or a motor vehicle that is parked on a road that is owned or administered by the division of wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.

(d) (1) The affirmative defenses authorized in divisions (d)(1) and (2) of Section 627.02 are affirmative defenses to a charge under division (a) of this section that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under division (a) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by division (a) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(e) No person who is charged with a violation of division (a) of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of division (a) of this section is a misdemeanor of the fourth degree. Except as otherwise provided in this division, a violation of division (b)(1) or (2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to division (A)(2) of Section 2923.128 of the Revised Code. If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in Section 5503.34 of the Revised Code that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of division (b)(1) or (2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Section 2923.128 of the Revised Code.

A violation of division (b)(3) or (4) of this section is a misdemeanor of the first degree. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to division (A)(2) of Section 2923.128 of the Revised Code.

(g) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, division (B) of Section 2923.163 of the Revised Code applies.

(h) As used in this section:

(1) "Motor vehicle", "street," and "highway" have the same meanings as in Section 4511.01 of the Revised Code.

(2) "Unloaded" means:

A. With respect to a firearm other than a firearm described in division (h)(3) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:

1. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

2. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

B. For the purposes of division (h)(2)A.2. of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

1. A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

2. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.

C. For the purposes of division (h)(2)A. and B. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.

(3) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(4) "Commercial motor vehicle" has the same meaning as in division (A) of Section 4506.25 of the Revised Code.

(5) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the department of public safety, division of state highway patrol, that is created by Section 5503.34 of the Revised Code.

(i) Divisions (h)(2)A. and B. of this section do not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who is carrying a valid concealed handgun license may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter. (RC Section 2923.16)

#### **Section 627.06 Failure to Secure Dangerous Ordnance**

(a) No person, in acquiring, possessing, carrying, or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the first degree.

(RC Section 2923.19).

#### **Section 627.07 Improperly Providing Access to Firearms to a Minor**

(a) No person shall leave a firearm so as to allow access to the firearm by a person who is under eighteen years of age, except for lawful hunting, sporting, or educational purposes, including, but not limited to, instruction in firearm or handgun safety, care, handling, or marksmanship under the supervision and control of a responsible adult.

(b) A person who violates this section is guilty of a misdemeanor of the first degree, and shall be fined \$1,000 and imprisoned one hundred and eighty (180) days. The Court shall not suspend all or any portion of the fine and imprisonment.

#### **Section 627.08 Underage Purchase of Handgun**

(a) No person under twenty-one years of age shall purchase or attempt to purchase a handgun, provided that this division does not apply to the purchase or attempted purchase of a handgun by a person eighteen years of age or older and under twenty-one years of age if either of the following apply:

(1) The person is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio peace officer training council or equivalent firearms training.

(2) The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of

the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

(b) Whoever violates this section is guilty of underage purchase of a handgun, a misdemeanor of the second degree.

(RC Section 2923.211)

#### **Section 627.09 Improperly Discharging a Firearm on or near Prohibited Premises**

(a) No person shall do any of the following:

(1) Without permission from the proper officials and subject to division (b)(4) of this section, discharge a firearm upon or over a cemetery or within one hundred yards of a cemetery;

(2) Subject to division (b)(5) of this section, discharge a firearm on a lawn, park, pleasure ground, orchard, or other ground appurtenant to a schoolhouse, church, or inhabited dwelling, the property of another, or a charitable institution;

(3) Discharge a firearm upon or over a public road or highway;

(4) Discharge a firearm within five hundred (500) feet of the grounds of any park, playground, or recreation center owned by the City.

(b) This section does not apply to the following:

(1) A person acting in self-defense or otherwise with privilege to do so;

(2) A law enforcement or corrections officer acting within the course and scope of the officer's employment or official duties;

(3) Security personnel acting within the course and scope of their employment;

(4) A person who, while on the person's own property, discharges a firearm; and

(5) A person who owns any type of property described in division (a)(2) and who, while on the person's own enclosure, discharges a firearm.

(c) Any person who violates this section is guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000.00) and imprisoned for 180 days.

(RC Section 2923.162)

#### **Section 627.10 Prohibited Weapons on School Property; Duty to Notify Police**

(a) Subject to division (b) of this section, any school official or employee who discovers a prohibited weapon upon school grounds or in a school building shall immediately notify the Chief of Police or his or her designee and request the assistance of the Division of Police.

(b) Division (a) of this section shall not apply:

(1) To any school official or employee who has personal knowledge that the notification required by division (a) has already been given with respect to a particular discovery of a particular prohibited weapon; or

(2) When the prohibited weapon is in the possession of an officer, agent or employee of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, or law enforcement officers, as defined in division (k) of Section 601.01, to the extent that any such person is authorized to possess a prohibited weapon and is acting within the scope of his or her duties.

(c) Any school official or employee who fails to comply with division (a) of this section is guilty of a misdemeanor of the first degree.

(d) For purposes of this section, a "prohibited weapon" is any weapon defined, described, or listed in any division of Section 627.01, Section 627.15, Section 627.21, Section 627.22, Section 627.24, or Section 627.25.

**Section 627.11 Possessing Certain Weapons at or About Public Places**

(a) No person shall knowingly carry, have in his or her possession or ready at hand any BB gun, pellet gun, knife having a blade two and one-half (2-1/2) inches in length or longer, brass knuckles, cestus, billy, karate stick, blackjack, sword or saber while at or about a public place.

(b) As used in this section, "public place" means any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It also includes the front or immediate area of any store, shop, restaurant, tavern or other place of business and any grounds, areas or parks where persons would congregate.

(c) This section does not apply to officers, agents or employees of this or any other state or the United States, to law enforcement officers authorized to carry or possess deadly weapons or to persons with private or special police commissions, and acting within the scope of their duties.

(d) This section shall not apply if any weapon in division (a) of this section was part of a public weapon display, show or exhibition, or was in the possession of a person participating in an organized match, competition or practice session.

(e) It is an affirmative defense to a charge under this section that the actor was not otherwise prohibited by law from possessing the weapon, and that the weapon was kept ready at hand by the actor for defense purposes, while he or she was engaged in his or her lawful business or occupation, which business or occupation was of such character or at such a place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in having the weapon ready at hand.

(f) It is an affirmative defense to a charge under this section that the actor was not otherwise prohibited by law from possessing a knife having a blade two and one-half (2-1/2) inches in length or longer, and that either (i) the actor at the time was engaged in a lawful business or pursuit and that business or pursuit requires a knife having a blade two and one-half (2-1/2) inches in length or longer as a tool of trade or pursuit, or (ii) the knife having a blade two and one-half (2-1/2) inches in length or longer was kept ready at hand by the actor for defense purposes, while he or she was engaged in his or her lawful business or occupation, which business or occupation was of such character or at such a place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in having such a knife ready at hand.

(g) Notwithstanding the provisions of Section 601.13 and division (a) of Section 601.99, whoever violates this section is guilty of possessing certain weapons on or about public places, a misdemeanor of the first degree.

**Section 627.12 Seizure and Confiscation of Deadly Weapon**

(a) In any situation where a deadly weapon is present and a person has been drinking or disturbing the peace, threatening bodily harm or causing or threatening a disturbance or violence, and there is reasonable cause for the investigating police officer to believe that such deadly weapon may be used to cause bodily harm, such deadly weapon may be seized by the police and kept in the custody of the Chief of Police.

(b) After confiscation, any deadly weapon seized by a police officer shall be promptly returned to the person from whom it was seized if no complaint, indictment, or charge is issued against the person. However, any deadly weapon seized which has been reported stolen shall be returned to the owner thereof, unless possession by the owner would constitute a violation of any provision of these Codified Ordinances or of State or Federal law.

(c) Any deadly weapon seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any of the provisions of this chapter, or any felony or misdemeanor involving the use of a deadly weapon or the use of force or violence or the threat of the use of force or violence against the person of another, shall be confiscated by the Division of Police subject to the provisions of RC 2981.04.

(d) If the deadly weapon is a firearm, the Division of Police shall maintain the integrity and identity of the firearm in such a manner so that if the firearm subsequently is to be returned to the person it can be identified and returned to the person in the same condition it was in when it was seized.

**Section 627.13 Reporting Transfers of Firearms**

(a) Effective November 1, 2015, except for transfers involving a licensed gun dealer, or taking place at an event held by a non-profit corporation organized under the laws of the state of Ohio for the purpose of hosting gun collectors in a venue with a minimum of 100 participants, no person shall sell or transfer a firearm without reporting the sale or transfer to the Division of Police. The Director of Public Safety may promulgate rules and regulations governing the reporting process.

(b) Effective November 1, 2015, a person who violates this section is guilty of a misdemeanor of the first degree.

**Section 627.14 Defacing Identification Marks of Firearms; Possessing Defaced Firearm**

(a) No person shall do either of the following:

(1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on a firearm.

(2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

(b) (1) Whoever violates division (a)(1) of this section is guilty of defacing identification marks of a

firearm. Except as otherwise provided in this division, defacing identification marks of a firearm is a misdemeanor of the first degree.

(2) Whoever violates division (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this division, possessing a defaced firearm is a misdemeanor of the first degree.

(c) Division (a) of this section does not apply to any firearm on which no manufacturer's serial number was inscribed at the time of its manufacture.

(RC Section 2923.201)

**Section 627.15 Unlawful Transactions in Weapons**

(a) No person shall:

(1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or spring-loaded weapon capable of propelling a knife or knifelike projectile, including, but not limited to, a ballistic knife (sometimes referred to commonly as a KGB knife) or similar weapon and/or advanced martial arts weapons, including, but not limited to shurikan (throwing star), nunchuck, sword, knife, staff, Tonfa, Kama, and Sai and/or other similar weapons.

This paragraph does not apply to the possession and/or use of advanced martial arts weapons on the premises of a recognized martial arts school or during the time said weapons are being transported directly to or from said premises.

(2) As used in paragraph (a)(1) hereof, the following designated martial arts weapons are defined as follows:

A. "Nunchuck" - two (2) pieces of hardwood sticks, generally equal in size and weight, held together by a piece of string, leather or chain.

B. "Sword" - a weapon with a long blade for cutting or thrusting designed, manufactured or marketed as a martial arts weapon.

C. "Knife" - a weapon consisting of a single- or double-edged short blade for cutting or throwing and designed, manufactured or marketed as a martial arts weapon.

D. "Staff" - a hardwood stick the size of which can vary from two (2) to six (6) feet in length which can be used to strike, to block, to jab, to hold and throw an opponent.

E. "Tonfa" - a hardwood shaft which measures about seventeen (17) inches in length with a handle approximately four and one-half (4-1/2) inches in length affixed to the shaft.

F. "Kama" - an instrument consisting of a handle with a long curved single-edged blade affixed at the end of the handle.

G. "Sai" - a piece of steel or heavy metal that is approximately twelve (12) inches in length with a pointed or blunted end and two (2) prongs that extend down from the blade to form a handle and a protection for strikes.

(3) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him or her to be authorized to acquire dangerous ordnance pursuant to Section 2923.17 of the Revised Code, or negligently fail to



take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(4) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsection (a) (1) or (3) hereof is a misdemeanor of the second degree. Notwithstanding the provisions of Section 601.13 or 601.99 (a), violation of subsection (a) (4) is a misdemeanor of the fourth degree.

**Section 627.16 Prohibition Against Transferring Firearms or Dangerous Ordnance to a Felon or Intoxicated Person**

(a) No person shall negligently sell, lend, give, or furnish any firearm to any person prohibited by Section 2923.13 or 2923.15 of the Revised Code from acquiring or using a firearm, or negligently sell, lend, give, or furnish any dangerous ordnance to any person prohibited by Section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance.

(b) A person who violates this section is guilty of a misdemeanor of the first degree.

**Section 627.17 Voluntary Surrender of Firearms and Dangerous Ordnance**

(a) No person who acquires, possesses, or carries a firearm or dangerous ordnance in violation of Section 2923.13 or 2923.17 of the Revised Code shall be prosecuted for such violation, if he reports his possession of firearms or dangerous ordnance to any law enforcement authority, describes the firearms of [or] dangerous ordnance in his possession and where they may be found, and voluntarily surrenders the firearms or dangerous ordnance to the law enforcement authority. A surrender is not voluntary if it occurs when the person is taken into custody or during a pursuit or attempt to take the person into custody under circumstances indicating that the surrender is made under threat of force.

(b) Any firearm or dangerous ordnance, declared to be illegal under the provisions of RC Section 2923.20 may be disposed of by presenting the firearm or dangerous ordnance by the person owning or possessing it, at any district police station in the City of Cleveland, at the Central Police Station or the Detective Bureau of the Division of Police.

(c) No person disposing of a firearm or dangerous ordnance in the manner and at the places herein designated, shall be required to make any written or oral statement or report concerning the firearm or dangerous ordnance or the circumstances surrounding its acquisition, possession or present or past ownership. Receipt can be made available upon request.

**Section 627.18 Reporting Lost or Stolen Firearms**

(a) No person who resides in the City shall fail to report to the Division of Police the theft or loss of a firearm he or she owns or possesses within forty-eight (48) hours of the time he

or she knew or should have known that the firearm had been stolen or lost.

(b) The report to the Division of Police under division (a) shall contain such information as required by the Division of Police which may include the following information:

(1) The name, address and social security number of the person owning or having possession of the firearm;

(2) The model, caliber, serial number and manufacturer of the firearm;

(3) Any registration number for the firearm;

(4) The date and place of the theft or loss; and

(5) A complete statement of the facts and circumstances surrounding the theft or loss.

(c) This section does not apply to:

(1) Any law enforcement or corrections agency, or law enforcement or corrections officer acting within the course and scope of the officer's employment or official duties; or

(2) A United States Marshall or member of the Armed Forces of the United States or the National Guard, or a federal or state official, who is required to possess a firearm in the operation of his or her official duties.

(d) No person shall knowingly provide false or misleading information pertaining to the loss or theft of a firearm that they own.

(e) Any person who violates division (a) or (d) of this section is guilty of a misdemeanor of the second degree.

**Section 627.19 Facsimile Firearms**

(a) (1) "Firearm" shall have the same meaning as used in Section 627.01 of this chapter.

(2) "Replica or facsimile of a firearm" shall mean any device or object made of plastic, wood, metal or any other material which is a replica, facsimile or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher or any other firearm. As used in this section, "replica or facsimile of a firearm" shall include, but is not limited to, toy guns, movie props, hobby models (either in kit form or fully assembled), starter pistols, air guns, firearms that are inoperable and cannot readily be rendered operable, or any other device which might reasonably be perceived to be a real firearm.

(b) No person shall display, market for sale or sell any replica or facsimile of a firearm in the City. The provisions of this subsection shall not apply to any replica or facsimile firearm which, because of its distinct color, exaggerated size, or other design feature, cannot reasonably be perceived to be a real firearm.

(c) Except in self-defense, no person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in a rude, angry or threatening manner, with the intent to frighten, vex, harass or annoy or with the intent to commit an act which is a crime under the laws of the City, State or Federal government against any other person.

(d) No person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in the presence of a law enforcement officer, fire fighter, emergency medical technician or paramedic engaged in the performance of his or her duties, when the person committing such brandishing knows or has reason to

know that such law enforcement officer, fire fighter, emergency medical technician or paramedic is engaged in the performance of his or her duties.

(e) (1) Whoever violates division (b) of this section is guilty of unlawful sale of a replica firearm, a misdemeanor of the third degree.

(2) Whoever violates division (c) of this section is guilty of brandishing a replica firearm, a misdemeanor of the first degree.

(3) Whoever violates division (d) of this section is guilty of brandishing a replica firearm in the presence of a public safety officer, a misdemeanor of the first degree.

**Section 627.20 Conveyance or Possession of an Object Indistinguishable from a Firearm in a School Safety Zone**

(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:

(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.

(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(b) Division (a) of this section does not apply to premises upon which home schooling is conducted. Division (a) of this section also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express prior approval of a school administrator possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, or a ROTC activity or another similar use of the object.

(c) Whoever violates division (a) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree.

(d) As used in this section:

(1) "Object that is indistinguishable from a firearm" means an object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

(2) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.

(3) "School", "school building", and "school premises" have the same meaning as in Section 2925.01 of the Revised Code.

(4) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314 of the Revised Code; a governing board of an educational service center, or the governing body of a school



for which the state board of education prescribed minimum standards under Section 3301.07 of the Revised Code.

(5) "School bus" has the same meaning as in Section 4511.01 of the Revised Code.  
(RC Section 2923.122)

**Section 627.21 Sale of Long-Bladed Pocket Knives**

(a) No person shall give or sell a pocket knife having a blade of two and one-half (2-1/2) inches in length or longer, without first requiring a purchaser to properly identify himself or herself and register in a book kept for such purpose giving his or her name, address and age. The register shall be subject to inspection by any officer of the law upon demand.

(b) No person shall give, sell or exhibit for sale to a minor a knife having a blade two and one-half (2-1/2) inches in length or longer.

(c) Every person, firm or corporation dealing in the sale of knives shall post a copy of this section in a conspicuous place in such place of business.

(d) Whoever violates this section is guilty of unlawful pocket knife sale, a misdemeanor of the third degree.

**Section 627.22 Sale or Possession of Sling Shots and Pea Shooters**

(a) No person shall carry on or about his or her person, sell or exhibit for sale a sling shot, commonly consisting of a forked stick with an elastic band attached, or a piece of elastic such as rubber, with a bag attached for shooting of projectiles.

(b) No person shall carry on or about his or her person, sell or exhibit for sale a pea shooter, commonly consisting of a hollow cylindrical object made of one (1) or more materials through which an object may be propelled by blowing air through the same.

(c) Whoever violates this section is guilty of unlawful sale or possession of sling shots or pea shooters, a minor misdemeanor.

**Section 627.23 Unlawful Display of Weapons**

(a) No person, firm or corporation shall exhibit for sale in showcases or show windows any daggers, stilettoes, brass or iron knuckles and bilies, or display any signs, posters, cartoons or display cards, suggesting the sale of such weapons.

(b) Whoever violates this section is guilty of unlawful display of weapons, a misdemeanor of the first degree.

**Section 627.24 Possession or Use of Stench Bombs**

(a) No person shall possess or use a tear gas device, stink bomb, smoke generator or other device releasing a substance which is harmful or offensive to persons exposed or which tends to cause public alarm. This section does not apply to law enforcement agents in the discharge of official duty.

(b) Whoever violates this section is guilty of unlawful possession or use of stench bombs, a misdemeanor of the first degree.

**Section 627.25 Tear Gas Guns**

(a) No person not being a law enforcement officer acting in the line of duty or a person engaged in repelling robbers, thieves, murderers or other law violators in the defense

and protection of his or her home or place of business, shall aim and discharge at any person a weapon or device of any kind which impels by compressed air, spring release or other means a projectile containing any liquid or gas which is dangerous to the safety or health of such person, or which otherwise discharges any such liquid or gas upon the person of another.

(b) Whoever violates this section is guilty of unlawful tear gas gun use, a misdemeanor of the first degree.

**Section 627.26 Containers or Combustibles**

(a) No person shall make, use, have on or about his or her person or under his or her control any device or container, having a combustible material or substance which can be used as a means of igniting such device or container attached thereto as a fuse and containing therein any flammable or combustible material or substance, which device or container can be used as a firebomb by igniting the fuse or igniting the fuse and breaking the device or container by dropping, tossing or throwing such device or container against or upon an object. However, this section does not apply to any person using, making or having such device or container in his or her possession or under his or her control in the course of a legitimate business, employment or occupation.

(b) Whoever violates this section is guilty of unlawful manufacture, possession or use of combustible container, a misdemeanor of the first degree.

**Section 627.27 Jump Traps**

(a) No person shall use or permit the use within the City of any steel jump animal trap or similar device with spring activated jaws of the types commonly used for the trapping of fur bearing animals, which is capable of inflicting cruelty upon dogs or cats or which constitutes a hazard to small children.

(b) Whoever violates this section is guilty of unlawful jump trap use, a misdemeanor of the third degree.

**Section 3.** That the Codified Ordinances are supplemented by enacting new Sections 628.01 to 628.10 and 628.99 to read as follows:

**CHAPTER 628**

**GUN OFFENDER REGISTRY**

**Section 628.01 Definitions**

For purposes of this chapter, the following definitions apply:

(a) "Convicted" or "conviction" means:

(1) Having been found guilty of a gun offense by a jury or judicial officer; or

(2) The acceptance of a plea of guilty or nolo contendere for a gun offense.

(b) "Director" means the Director of Public Safety or the Director's designee.

(c) "Gun offender" or "offenders" means any person convicted of a gun offense. "Gun offender does not include a person whose conviction has been reversed on appeal, expunged or sealed pursuant to a court order, or otherwise set aside pursuant to law.

(d) "Gun Offense" means:

(1) a violation of any of the following Revised Code sections or any substantially equivalent Codified Ordinance section that involves a firearm:

- 1547.69 Firearms prohibitions
- 2909.08 Endangering aircraft or airport operations
- 2923.12 Carrying concealed weapons
- 2923.121 Possession of firearm in beer liquor permit premises - prohibition, exceptions
- 2923.122 Illegal conveyance or possession of deadly weapon or dangerous ordnance or of object indistinguishable from firearm in school safety zone
- 2923.123 Illegal conveyance of deadly weapon or dangerous ordnance into courthouse - illegal possession or control in courthouse
- 2923.13 Having weapons while under disability
- 2923.15 Using weapons while intoxicated
- 2923.16 Improperly handling firearms in a motor vehicle
- 2923.161 Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function
- 2923.162 Discharge of firearm on or near prohibited premises
- 2923.20 Unlawful transaction in weapons
- 2923.201 Possessing a defaced firearm
- 2923.21 Improperly furnishing firearms to minor

(2) Any offense where the indictment or information charging the offense specifies that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense.

**Section 628.02 Duty to Register**

(a) A gun offender who (1) resides in the City; and (2) on or after the effective date of this section is convicted of a gun offense shall register with the Director within five (5) days of either: (a) release, if the gun offender receives a sentence of imprisonment; or (b) the time sentence is imposed, if the sentence does not include imprisonment.

(b) Notwithstanding division (a), any gun offender who did not register in the time set forth in division (a) because, following the gun offender's discharge or release from a federal, state or local correctional facility, the gun offender was confined to a residential treatment center, hospital or other institution, shall register within five (5) days of the offender's discharge or release from such institution.

(c) A gun offender who did not reside in the City at the time when registration would have otherwise been required under this chapter, and subsequent to that time becomes a resident of the City, shall register within five (5) days of becoming a resident of the City.

(d) The form and manner of registration shall be as provided in rules and regulations promulgated by the Director.

(e) The registration shall include the following information:

- (1) The gun offender's name, date of birth, and sex;
- (2) The address where the gun offender resides, and any home or mobile phone number regularly used by the gun offender;
- (3) Any other legal name or alias of the gun offender;
- (4) A copy of the driver's license or non-driver's photo identification card, or other document to establish proof

of residence acceptable to the Director;

(5) A photograph of the gun offender;

(6) A description of the gun offense for which the offender was convicted;

(7) The name, address and phone number of the offender's place of work;

(8) The name and address of any educational institution which the gun offender attends; and

(9) Any other information that the Director shall find reasonably necessary to effect the purposes of this chapter.

(f) The gun offender shall submit to fingerprinting in accordance with rules and regulations promulgated by the Director.

(g) This chapter shall not apply to any person who:

(1) Can demonstrate that the person's conviction for a gun offense was (i) reversed on appeal or otherwise set aside pursuant to law, including receiving a pardon; or (ii) based on a law that was invalidated or held to be unconstitutional or otherwise invalid; or (iii) expunged or sealed pursuant to a court order; or

(2) Was adjudicated a juvenile delinquent for an offense that, if committed by an adult, would not constitute a conviction for a gun offense.

**Section 628.03 Initial and Annual Registration**

(a) For the initial registration, a gun offender shall report in person at such place as the Director may direct.

(b) After the initial registration, the gun offender shall report in person at such place as the Director may direct no later than one year after the date of the initial registration and thereafter no later than one year after the date of each annual registration, until such time that the gun offender is no longer required to register.

**Section 628.04 Registration Period**

A gun offender shall comply with the requirements of this chapter, including the registration requirement, for a period of four (4) years after the date of the offender's first registration.

**Section 628.05 Duty to Report Change of Information**

A gun offender shall report any change in information required by this chapter within five (5) days of the change, in a manner and in a form prescribed by the Director.

**Section 628.06 Creation of Gun Registry**

The Director shall collect the information provided under this chapter and create and maintain a list of registered gun offenders.

**Section 628.07 Sharing Registration Information**

The Director may make the information collected under this chapter available to federal, state and local law enforcement agencies.

**Section 628.08 Cooperation with other Agencies**

The Director shall cooperate with federal, state and local law enforcement agencies and the judiciary to facilitate implementation of this chapter.

**Section 628.09 Rules and Regulations**

The Director shall promulgate rules and regulation for the implementation of this chapter and to prescribe all forms and information required.

**Section 628.10 Offense; False Information**

(a) No person who is a gun offender shall fail to register or fail to renew the offender's registration as provided in this chapter.

(b) No person shall knowingly provide false or misleading information pertaining to the offender's registration information.

**Section 628.99 Penalty**

(a) Any person who violates Section 628.10 is guilty of a misdemeanor of the first degree.

(b) Each day that a violation continues shall constitute a separate and distinct offense.

**Section 4.** That the Director of Public Safety shall provide an annual report to Council on the effectiveness of the Gun Offender Registry.

**Section 5.** That Sections 628.01 to 628.10 and 628.99 of the Codified Ordinances of Cleveland, Ohio, 1976, shall take effect and be in force on November 1, 2015.

**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.

Passed April 20, 2015.

Effective April 21, 2015.

**Ord. No. 324-15.**

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

**An emergency ordinance authorizing the Director of Capital Projects to enter into an agreement with Dominion East Ohio Gas relating to implementation of Dominion's Pipeline Infrastructure Replacement Program; authorizing the Director of Capital Projects to accept funds from Dominion East Ohio Gas for this purpose; and authorizing the Director of Capital Projects to employ one or more professional services needed to implement the agreement, for a period of two years, with one-year options to renew, exercisable by the Director of Capital Projects.**

Whereas, Dominion East Ohio Gas ("Dominion") is currently in year 4 of a 20-year Pipeline Infrastructure Replacement Program in which aged pipes are being replaced with new pipes in various City rights-of-way and disturbed sidewalks, tree lawns, and pavements are being restored; and

Whereas, the City and Dominion wish to enter into an agreement in order to efficiently manage the permitting process for the Pipeline Infrastructure Replacement Program; and

Whereas, on March 3, 2015, the Director of Capital Projects entered into a non-binding Memorandum of Understanding with Dominion to identify responsibilities and expectations of the parties; and

Whereas, under the Memorandum of Understanding, Dominion agreed to pay for additional professional services necessary to properly manage their program and to ensure that City requirements are met; and

Whereas, also under the Memorandum of Understanding, Dominion also agreed to pay all reasonable documented fees, costs and other services which are reasonably required by the

City to administer and manage the program as it relates to the permit and application process; and

Whereas, this Council agrees to enter into an agreement with Dominion to implement the Memorandum of Understanding signed on March 3, 2015; 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 is authorized to enter into an agreement with Dominion, under the same terms and conditions as the Memorandum of Understanding placed in File No. 324-15-A to implement Dominion's Pipeline Replacement Project.

**Section 2.** That the Director of Capital Projects is authorized to accept funds in an initial amount of \$250,000, and other funds necessary for the Pipeline Infrastructure Replacement Program from Dominion as specified in the agreement for a period of two years, with one-year options to renew, exercisable by the Director of Capital Projects, unless terminated in writing by either party; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; the funds are appropriated for the purposes described in this ordinance; and shall be deposited into Fund 10 SF 966, the DEO Pipeline Replacement Projects 2015 Fund.

**Section 3.** That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants, including but not limited to, construction inspectors, certified arborists, and engineers, or one or more firms of more consultants, including but not limited to, construction inspectors, certified arborists, and engineers needed to implement this ordinance, 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 implement this ordinance.

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 authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects and certified by the Director of Finance.

**Section 4.** That the local Council representative will be notified when permits are issued in their area and before work begins, along with the identity of the City employee who will be overseeing the operation.

**Section 5.** That the costs of the agreements authorized in this ordinance, including but not limited to, professional service contracts, fees, costs, and other services, shall be paid from Fund 10 SF 966, the DEO Pipeline Replacement Projects 2015 Fund.

**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.

Passed April 20, 2015.

Effective April 21, 2015.

**Ord. No. 327-15.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of duct line, street lighting bases and pull boxes, labor and materials necessary to install, repair, replace or maintain the duct line, street lighting bases and pull boxes, and other related incidentals, for the Division of Cleveland Public Power, Department of Public Utilities, for a period up to two years, with two 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 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 period up to two years, with two one-year options to renew, of the necessary items of duct line, street lighting bases and pull boxes, labor and materials to install, repair, replace or maintain the duct line, street lighting bases and pull boxes, and other related incidentals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, 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 exercisable 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 Finance 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 2004, RL 2015-3)

**Section 3.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements 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 April 20, 2015.

Effective April 21, 2015.

**Ord. No. 328-15.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of rigging services, and labor, materials, and services needed to maintain, repair, or refurbish material handling equipment, crane and hoist, including training if needed; and authorizing the rental of material handling equipment, cranes, and various heavy duty equipment, including training if needed, for the Divisions 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 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 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 rigging services, and labor, materials, and services needed to maintain, repair, or refurbish material handling equipment, crane and hoist, including training if needed, 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 exercisable 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 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 material handling equipment, cranes, and various heavy duty equipment, material and safety equipment, including training if needed, 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. 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 3.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or 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 2015-9)

**Section 4.** 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 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 20, 2015.

Effective April 21, 2015.

**Ord. No. 341-15.**

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

**An emergency ordinance authorizing the Director of Public Safety to enter into a contract or an amendment to Contract No. CT 6001 PS 2014-141 with Winbourne Consulting, LLC to provide additional services needed to upgrade the Record Management System of the Department of Public Safety, for a period of one year.**

Whereas, under Ordinance No. 134-11, passed February 14, 2011, this Council authorized the Director of Public Safety to apply for and accept a grant from the State of Ohio Emergency Management Agency, or a designated entity, to conduct the 2010 Urban Area Security Initiative ("UASI") grant; and



Whereas, Ord. No. 134-11 also authorized the Director of Public Safety to enter into various purchase and professional services contracts needed to implement UASI; and

Whereas, one of the initiatives under UASI is the upgrade of the Record Management System for the Department of Public Safety; and

Whereas, in August 2013, the Director of Public Safety entered into Contract No. CT 6001 PS 2013-164 with Winbourne Consulting, LLC to provide professional consulting services to assist with the City's upgrade and expansion of its Record Management System for the Department of Public Safety; and

Whereas, in September 2014, the Director of Public Safety also entered into Contract No. CT 6002 PS 2014-141 with Winbourne Consulting, LLC to provide additional services needed for the upgrade and expansion; and

Whereas, additional consulting services are necessary for continuation of the upgrade and expansion, implementation at the go-live date, and other services required after the go-live date, including but not limited to, maintenance and training for a period of one year; 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 a contract or an amendment to Contract No. CT 6001 PS 2014-141 with Winbourne Consulting, LLC to provide additional consulting services needed for the upgrade and expansion of the Record Management System of the Department of Public Safety. The additional services include project management, oversight of software

implementation and configuration, end user and technical staff training and system design, data conversion, testing, design, and interfacing for a period of one year.

**Section 2.** That the contract or contract amendment shall be prepared by the Director of Law.

**Section 3.** That the cost of the contract or contract amendment shall not exceed \$159,000 and shall be paid from Fund No. 10 SF 025 (RQS 6001, RL 2015-69).

**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 April 20, 2015.  
Effective April 21, 2015.

**Ord. No. 417-15.**

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

**An emergency ordinance authorizing the purchase by one or more 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, training, and inspections, as needed, for the Director of Public Works, 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 requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for 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, training, and inspections, as needed, in the estimated sum of \$20,000,000, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

**2015 Enterprise Capital Vehicle Plan  
Description of Equipment**

Item Number	Item Description	User	Quantity	Estimated Cost	Extended Est. Cost
1	TRUCKS HEAVY (B)-Rear Loader w/Cart Tipper	Waste Collection	18	\$335,000.00	\$6,030,000.00
	Waste Collection Total	\$6,030,000			
2	PASSENGER CAR	*MVM-Pool Vehicles	10	\$19,200.00	\$192,000.00
3	AUTO/LIGHT TRUCK (A)	*MVM	3	\$30,000.00	\$90,000.00
4	LIGHT TRUCK (B)	*MVM	5	\$38,700.00	\$193,500.00
5	TRUCK-Heavy Duty Tow Truck	MVM	1	\$325,000.00	\$325,000.00
	MVM Total	\$800,500			
6	LIGHT TRUCK-PICKUP w/Plow	Streets	5	\$40,000.00	\$200,000.00
7	TRUCK-HEAVY Single Axle Dump	Streets	9	\$164,000.00	\$1,476,000.00
8	TRUCK-HEAVY Tandem Axle Dump	Streets	20	\$203,400.00	\$4,068,000.00
	Streets Total	\$5,744,000			
9	Truck-AERIAL BUCKET	Traffic	1	\$220,000.00	\$220,000.00
	Traffic Total	\$220,000			
10	TRUCK-AERIAL W/CHIPPER BODY	Park Maintenance	2	\$200,000.00	\$400,000.00
11	CHIPPER	Park Maintenance	2	\$46,500.00	\$93,000.00
12	LIGHT TRUCK-DUMP	Park Maintenance	1	\$61,500.00	\$61,500.00

13	ATTACHMENTS	Park Maintenance	Misc	\$300,000.00	\$300,000.00
14	RIDING MOWERS	Park Maintenance	20	\$12,000.00	\$240,000.00
15	MOWER-Walk Behind	Park Maintenance	24	\$5,000.00	\$120,000.00
16	TRACTOR	Park Maintenance	12	\$33,000.00	\$396,000.00
	Park Maintenance Total	\$1,610,500			
17	PASSENGER CAR Marked w/Police pkg	Police	30	\$36,500.00	\$1,095,000.00
18	MOTORCYCLE	Police	5	\$24,000.00	\$120,000.00
	Police Total	\$1,215,000			
19	LIGHT TRUCK w/Animal Transport Module	Animal Control	2	\$60,000.00	\$120,000.00
	Animal Control Total	\$120,000			
20	PUMPER	Fire	4	\$385,000.00	\$1,540,000.00
21	AERIAL	Fire	2	\$800,000.00	\$1,600,000.00
22	SUV	Fire	1	\$45,000.00	\$45,000.00
23	PASSENGER CAR	Fire	1	\$25,000.00	\$25,000.00
	Fire Total	\$3,210,000			
24	AMBULANCES	EMS	4	\$245,000.00	\$980,000.00
25	SUV	EMS	2	\$35,000.00	\$70,000.00
	EMS Total	\$1,050,000			
				Total	\$20,000,000.00

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. Alternate bids for a period less than a 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 paid from the fund or funds to which are credited the proceeds from the sale of bonds authorized by Ordinance No. 1628-14, passed January 12, 2015 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. (RQN 7015, RL 2015-18)

**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.

Passed April 20, 2015.  
Effective April 21, 2015.

**Ord. No. 459-15.  
By Council Member Cimperman.  
An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Building Bridges Collaborative, Inc. for the Migration Mural Education Project 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 an agreement with Building Bridges Collaborative, Inc., for the Migration Mural Education Project for the public purpose of providing

art education and conflict resolution training 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.

Passed April 20, 2015.  
Effective April 21, 2015.

**Ord. No. 460-15.  
By Council Member Cimperman.  
An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Ohio City Incorporated for the Healthy Living and Nutrition Program through the use of Ward 3 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development is authorized to enter into an agreement with Ohio City Incorporated for the Healthy Living and Nutrition Program for the public purpose of promoting healthy exercise and nutrition activities for 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.

Passed April 20, 2015.  
Effective April 21, 2015.

**Ord. No. 461-15.**  
**By Council Members Cleveland and Brancatelli.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Broadway School of Music & the Arts for the Community Arts Instruction and Enrichment Program through the use of Wards 5 and 12 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement with Broadway School of Music & the Arts for the Community Arts Instruction and Enrichment Program for the public

purpose of providing art and music instruction to youth residing in the city of Cleveland through the use of Wards 5 and 12 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed April 20, 2015.  
Effective April 21, 2015.

**Ord. No. 462-15.**  
**By Council Member Dow.**  
**An emergency ordinance consenting and approving the issuance of a permit for the United Cerebral Palsy of Greater Cleveland Run on May 3, 2015, sponsored by Hermes Sports & 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 United Cerebral Palsy of Greater Cleveland Run on May 3, 2015, start: United Cerebral Palsy Office, 10011 Euclid Avenue; Euclid east to East 105th Street; East 105th north to Martin Luther King, Jr. Boulevard; Martin Luther King, Jr. Boulevard north to Superior Avenue ramp turn around, return same route back to United Cerebral Palsy Office, finish line at rear of United Cerebral Palsy Office

in parking lot off East 100th Street; 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 April 20, 2015.  
Effective April 21, 2015.

**COUNCIL COMMITTEE MEETINGS**

**Monday, April 27, 2015**  
**2:00 p.m.**

**Finance Committee:** Present: Kelley, Chair; Cleveland, Vice Chair; Brady, Brancatelli, Keane, Mitchell, Pruitt, Zone. *Authorized Absence:* Conwell.

**Tuesday, April 28, 2015**  
**9:30 a.m.**

**Development, Planning and Sustainability Committee:** Present: Brancatelli, Chair; Cimperman, Cummins, Dow, Zone. *Authorized Absence:* Cleveland, Vice Chair; Pruitt.

**Wednesday, April 29, 2015**  
**10:00 a.m.**

**Safety Committee:** Present: Zone, Chair; Cimperman, Kazy, Keane, Mitchell, Polensek. *Authorized Absence:* Conwell, Vice Chair.

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O—Ordinance; R—Resolution; F—File  
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