

# The City Record

Official Publication of the Council of the City of Cleveland



April the Twelfth, Two Thousand and Seventeen

**Frank G. Jackson**  
Mayor

**Kevin J. Kelley**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

**Ward Name**

- 1 Terrell H. Pruitt
- 2 Zachary Reed
- 3 Kerry McCormack
- 4 Kenneth L. Johnson
- 5 Phyllis E. Cleveland
- 6 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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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

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

**MAYOR** – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff  
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
 Martin J. Flask, Executive Assistant to the Mayor of Special Projects  
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
 Matt Gray, Executive Assistant to the Mayor, Chief of Sustainability  
 Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs  
 Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development  
 Duane Deskins, Executive Assistant to the Mayor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults  
 Dan Williams, Media Relations Director

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

Architecture and Site Development – \_\_\_\_\_ Manager  
 Engineering and Construction – Richard J. Switalski, Manager  
 Real Estate – James DeRosa, Commissioner

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

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

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

**DEPT. OF FINANCE** – Sharon Dumas, Director, Room 104;  
 Natasha Brandt, Manager, Internal Audit  
 DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19  
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
 City Treasury – James Hartley, Interim Treasurer, Room 115  
 Financial Reporting and Control – James Gentile, Controller, Room 18  
 Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue  
 Purchases and Supplies – Tiffany White, Commissioner, Room 128  
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

Cleveland Public Power – Ivan Henderson, Commissioner  
 Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer  
 Water – Alex Margevicius, Commissioner  
 Water Pollution Control – Rachid Zoghbaib, Commissioner

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

Burke Lakefront Airport – Khalid Bahhur, Commissioner  
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

**DEPT. OF PUBLIC WORKS** – Michael Cox, Director  
 OFFICES:

Administration – John Laird, Manager  
 Special Events and Marketing – Tangee Johnson, Manager  
 DIVISIONS:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner  
 Park Maintenance and Properties – Richard L. Silva, Commissioner  
 Parking Facilities – Kim Johnson, Interim Commissioner  
 Property Management – Tom Nagle, Commissioner  
 Recreation – Samuel Gissentaner, Interim Commissioner  
 Streets – Frank D. Williams, Interim Commissioner  
 Traffic Engineering – Robert Mavec, Commissioner  
 Waste Collection and Disposal – Randall T. Scott, Interim Commissioner

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

Air Quality – David Heame, Interim Commissioner  
 Environment – Brian Kimball, Commissioner, 75 Erieview Plaza  
 Health – Persis Sosiak, Commissioner, 75 Erieview Plaza

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

DIVISIONS:

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

**DEPT. OF COMMUNITY DEVELOPMENT** – Michael Cosgrove, Director  
 DIVISIONS:

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

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

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

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

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

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

**COMMUNITY RELATIONS BOARD** – Room 11, 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; Barry A. Withers, Interim 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: Henry Bailey, Kelley Britt, Joan Shaver Washington, Tim Donovan, Elizabeth Kukla, Secretary.

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

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

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

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

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

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

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

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

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

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

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

## CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 104

WEDNESDAY, APRIL 12, 2017

No. 5392

## CITY COUNCIL

MONDAY, APRIL 10, 2017

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

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

#### MONDAY — Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
April 10, 2017

The meeting of the Council was called to order at 7:05 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Dona Brady, Anthony Brancatelli, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, T.J. Dow, Jeffrey D. Johnson, Kenneth L. Johnson, Brian Kazy, Kevin J. Kelley, Martin J. Keane, Kerry McCormack, 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 Siliman, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Regional Development Edward W. Rybka, Chief of Education Monyka S. Price, Media Relations Director Dan Williams, Chief of Sustainability Matt Gray, Chief of Public Affairs Natoya Walker-Minor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults Duane Deskins, and Directors Langhenry, Dumas, Davis, Kennedy, Spronz, McGrath, Cox, Cosgrove, West, Ebersole, Griffin, McNamara, Withers and Burrows.

#### MOTION

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

#### MOTION

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

### COMMUNICATION

#### File No. 379-17.

From Council President Kevin J. Kelley appointing, without objection by Council, Allan Dreyer as Council Clerk Pro Tempore for April 6, 2017. Received.

### OATH OF OFFICE

#### File No. 380-17.

Sabra T. Pierce-Scott, Director of the Mayor's Office of Quality Control and Performance Management, City of Cleveland. Received.

### FROM OHIO DIVISION OF LIQUOR CONTROL

#### File No. 381-17.

RE: #0261879. Economic Development Transfer Application, D1 D2 D6. Aringa2 LLC, 2144 West 25th St. (Ward 3). Received.

#### File No. 382-17.

RE: #52023680005. New License Application, D3. Lilly Handmade Chocolates, Inc. 761 Starkweather Ave. (Ward 3). Received.

#### File No. 383-17.

RE: #7148229. New License Application, C1. R Town Grocery, Inc., 5611 Woodland Ave. (Ward 5). Received.

#### File No. 384-17.

RE: #6547021. New License Application, C1. Om Joard LLC, 5417 Chester Ave. (Ward 7). Received.

#### File No. 394-17.

RE: #7149234. New License Application, D5J. RF Restaurants II LLC, 1109 Old River Rd. (Ward 3). Received.

#### File No. 395-17.

RE: #7148634. Transfer of Ownership Application, C2 C2X D6 D8. R C Brothers, Inc., 1015 East 185th St. (Ward 8). Received.

#### File No. 396-17.

RE: #22348152220. New License Application, C2. Dolgen Midwest LLC, 7911 St. Clair Ave. (Ward 10). Received.

#### File No. 397-17.

RE: #2714519. New License Application, C1. Fifty Five Deli, Inc., 2288 East 55th St. (Ward 5). Received.

### CONDOLENCE RESOLUTIONS

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

**Res. No. 399-17** — Willie Ray Payton, Sr.

**Res. No. 404-17** — Georgina Chesragi (nee Becerra).

**CONGRATULATIONS RESOLUTIONS**

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

- Res. No. 400-17** — Fidelity Baptist Church - 125th Anniversary.
- Res. No. 401-17** — Ida Sue Laster Morgan.

**Res. No. 405-17** — Pastor John Dunn, Garden of Prayer Church of God in Christ.

**RECOGNITION RESOLUTION**

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

- Res. No. 402-17** — Mary’s Fight Foundation.

**WELCOME RESOLUTION**

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

- Res. No. 403-17** — Reverend Pastor Kito D. March, Sr.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 385-17.**

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

**An emergency ordinance to amend Section 40 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 Section 40 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 707-16, passed July 13, 2016 and Ordinance No. 1260-16, passed October 31, 2016, is amended to read as follows:

**Section 40. That the 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. Administrator of Engineering and Planning.....	\$30,214.95	\$124,250.48
1. Administrator of Engineering and Planning.....	\$30,214.95	\$124,250.48
2. Airport Chief Engineer.....	30,214.95	124,250.48
3.. Assistant Chief of Public Utilities Security.....	60,000.00	100,000.00
4. Assistant City Comptroller.....	41,312.22	125,483.55
5. Airport Planning Environmental Officer.....	30,214.95	98,444.95
6. Air Trade Development Manager.....	30,214.95	114,691.24
7. Assistant Director of Human Resources and Economic Development.....	30,214.95	124,250.14
8. Budget Administrator.....	30,214.95	114,691.24
9. Chief of Public Security.....	65,000.00	130,000.00
10. Chief Superintendent of Electric Transmission and Distribution.....	50,000.00	115,000.00
11. Comptroller-Airports.....	30,214.95	124,250.48
12. Data Base Analyst.....	30,214.95	98,444.95
13. Deputy Auditor.....	49,500.00	93,160.80
14. Deputy Commissioner of Cleveland Hopkins International Airport.....	30,214.95	114,691.24
15. Deputy Commissioner of Parks, Maintenance and Properties.....	30,214.95	114,691.24
16. Deputy Commissioner of Water.....	30,214.95	143,228.70
17. Deputy Commissioner of Water Pollution Control.....	30,214.95	114,691.24
18. Electric Transmission SCADA Engineer.....	30,214.95	108,011.58
19. Energy Marketing Manager.....	30,214.95	123,259.31
20. Environmental Programs Manager.....	45,000.00	96,330.79
21. Executive Commissioner of Public Safety - Operations.....	36,590.39	157,171.30
22. Executive Commissioner of Public Safety - Projects, Grants and Technology.....	36,590.39	157,171.30
23. Field Manager.....	35,000.00	65,634.90
24. Fleet Management Data Manager.....	30,000.00	73,734.66
25. GIS/IS Coordinator.....	52,000.00	103,593.76
<b>26. Internal Affairs Superintendent.....</b>	<b>60,000.00</b>	<b>120,000.00</b>
27. Labor Relations Manager.....	30,214.95	124,250.48
28. Manager of Marketing.....	30,214.95	114,691.24
29. Manager of Plant Operations.....	30,214.95	128,618.41
30. Manager of Procurement.....	50,000.00	100,000.00
31. Manager of Telecommunications.....	30,214.95	114,691.24
32. Manager of Water Distribution Systems.....	30,214.95	128,618.41
33. Nurse Practitioner.....	30,214.95	114,691.24
34. Permit Review Manager.....	30,214.95	114,691.24
35. Project Leader/Applications.....	45,000.00	101,400.83
36. Safety Programs Manager.....	30,214.95	98,444.95
37. Section Chief - Architecture & Site Development.....	40,000.00	108,011.58
38. Section Chief - Engineering & Construction.....	50,000.00	108,011.58
39. Senior Instructional Designer.....	30,214.95	98,607.45
40. Software Analyst.....	45,000.00	96,330.79
41. Superintendent of Electric Transmission and Distribution.....	50,000.00	109,687.67

42.	Supervisor of Computer Operations.....	30,214.95	98,444.95
43.	Supervisor of Public Utilities Safety .....	50,000.00	90,000.00
44.	Supervisor Hardware Evaluation .....	30,214.95	98,444.95
45.	Transmissions Operations Manager.....	30,214.95	117,900.21
46.	Veterinarian in Charge of Spay and Neuter Clinic.....	30,214.95	98,444.95

**Section 2.** That existing Section 40 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 707-16, passed July 13, 2016 and Ordinance No. 1260-16, passed October 31, 2016, is 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. 386-17.**  
**By Council Members K. Johnson and Brancatelli (by departmental request).**  
**An emergency ordinance authorizing the Director of Capital Projects to enter into a maintenance, inspection, and repair agreement and to issue an encroachment permit, either separately or in combination with the agreement, to Worthington Yards, LTD to encroach into the public right-of-way over Johnson Avenue by installing, using, and maintaining two overhead bridges.**

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 a maintenance, inspection, and repair agreement and to issue an encroachment permit, revocable at the will of Council, either separately or in combination with the agreement, to Worthington Yards, LTD, 6055 Rockside Woods Blvd., Suite 100, Independence, Ohio 44131 ("Permittee"), to encroach into the public right-of-way over Johnson Avenue by installing, using, and maintaining two overhead bridges, at the locations further described as follows:

**Overhead Bridge Location 1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 2 Acre Lots No. 26, being a proposed encroachment described as extending between planes at elevation 664.50 feet and 681.50 feet above mean sea level as determined by GPS observations in the NAVD 1988 Datum, being more fully bounded and described as follows:

Beginning at a point at the centerline intersection of West 6th Street, 99 feet wide, and Johnson Avenue, 33 feet wide, said point being distant North 34°26'07" West, a distance of 405.05 feet from a found drill hole in a stone at the centerline intersection of said West 6th Street and West St. Clair Avenue, 99 feet wide, thence South 55°35'30" West along said centerline of Johnson Avenue, a distance of 49.50 feet to a point, thence South 34°26'07" East, a distance of 16.50 feet to a point along a Southeasterly Right of Way of said Johnson Avenue, thence South 55°35'30" West along said Southeasterly Right of Way, a distance of 303.46 feet to the Principal Place of Beginning for the area herein described;

**Course No. 1:**

Thence South 55°35'30" West along said Southeasterly Right of Way of Johnson Avenue, a distance of 40.82 feet to an angle point thereon;

**Course No. 2:**

Thence North 34°32'29" West through said Johnson Avenue Right of Way, a distance of 33.00 feet to the Northwesterly Right of Way of said Johnson Avenue;

**Course No. 3:**

Thence North 55°35'30" East along said Northwesterly Right of Way, a distance of 41.01 feet to an angle point thereon;

**Course No. 4:**

Thence South 34°12'43" East through said Johnson Avenue Right of Way, a distance of 33.00 feet to the principal place of beginning, according to the exhibit by Langan Engineering and Environmental Services dated February 5, 2017, being the same more or less and being subject to all legal highways and easements and including the right to extend below the lower limiting elevation of the easement to provide necessary support systems for the structures within the above described encroachment area.

**Overhead Bridge Location 2**

The basis of bearings of this survey is based on Ohio State Plane Coordinate system, North Zone, NAD 83 per GPS observations and bearings are to denote angles only.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 2 Acre Lots No. 26, being a proposed encroachment described as extending between planes at elevation 663.00 feet and 722.00 feet above mean sea level as determined by GPS observations in the NAVD 1988 Datum, being more fully bounded and described as follows:

Beginning at a point at the centerline intersection of West 6th Street, 99 feet wide, and Johnson Avenue, 33 feet wide, said point being distant North 34°26'07" West, a distance of 405.05 feet from a found drill hole in a stone at the centerline intersection of said West 6th Street and West St. Clair Avenue, 99 feet wide, thence South 55°35'30" West along said centerline of Johnson Avenue, a distance of 49.50 feet to a point, thence South 34°26'07" East, a distance of 16.50 feet to a point along a Southeasterly Right of Way of said Johnson Avenue, thence South 55°35'30" West along said Southeasterly Right of Way, a distance of 168.35 feet to the Principal Place of Beginning for the parcel of land herein described;

**Course No. 1:**

Thence South 55°35'30" West along said Southeasterly Right of Way of Johnson Avenue, a distance of 14.57 feet to an angle point thereon;

**Course No. 2:**

Thence North 35°27'24" West through said Johnson Avenue Right of Way, a distance of 33.00 feet to the Northwesterly Right of Way of said Johnson Avenue;

**Course No. 3:**

Thence North 55°35'30" East along said Northwesterly Right of Way, a distance of 15.05 feet to an angle point thereon;

**Course No. 4:**

Thence South 34°37'21" East through said Johnson Avenue Right of Way, a distance of 33.00 feet to the principal place of beginning, according to the exhibit by Langan Engineering and Environmental Services dated February 5, 2017, being the same more or less and being subject to all legal highways and easements and including the right to extend below the lower limiting elevation of the encroachment to provide necessary support systems for the structures within the above described encroachment area.

The basis of bearings of this survey is based on Ohio State Plane Coordinate system, North Zone, NAD 83 per GPS observations and bearings are to denote angles only.

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

**Section 2.** That Permittee may assign the agreement and/or permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted under this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

**Section 3.** That the Director of Law shall prepare the agreement and permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The agreement and/or permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from Permittee's acts or omissions under an agreement and/or permit or from the encroachment(s) permitted.



**Section 4.** That the agreement and/or permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

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

**Ord. No. 387-17.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with United Airlines, Inc. for the purchase of two used passenger loading bridges, for the Division of Cleveland Hopkins International Airport, Department of Port Control.**

Whereas, in 2016, United Airlines, Inc. ("United") reduced the number of gates it leased from the City of Cleveland, Department of Port Control, at Cleveland Hopkins International Airport (the "Airport") and removed its passenger loading bridges (aka "jetbridges") from all such unleased gates except gates C-10 and C-14; and

Whereas, the Airport is using the gates no longer leased by United, returned to Airport control, to meet significantly increased immediate and anticipated demand by various airlines for common-use gates resulting from the addition of new air carriers and of new flights by existing air carriers at the Airport, and for overflow gate use by United; and

Whereas, to operate gates C-10 and C-14 to provide adequate facilities to meet immediate and anticipated airline demand for fully equipped common-use gates, the City requires ownership and control of the jetbridges attached to those gate premises and currently in service; and

Whereas, United is willing to sell the jetbridges and necessary associated equipment at both gate C-10 and gate C-14 to the City Department of Port Control for the consideration of \$130,000.00, which amount two jetbridge maintenance and supply firms have agreed is fair market value; and

Whereas, purchase of the jetbridges currently in use at gates C-10 and C-14 will maintain immediate availability of those gates for common use and avoid the time delay and costs of purchase and delivery of jetbridges on the open market; and

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

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

**Section 1.** That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than

United Airlines, Inc. Therefore the Director of Port Control is authorized to make one or more written contracts with United Airlines, Inc. for the purchase of two (2) jetbridges at Gates C-10 and C-14 at Cleveland Hopkins International Airport, for a total sum not to exceed \$130,000.00, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Cleveland Hopkins International Airport, Department of Port Control. The contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 115, 60 SF 116, 60 SF 126, 60 SF 128, 60 SF 130, 60 SF 141, 60 SF 160, and from the fund or funds to which are credited any grants received or passenger facility charges, if authorized for this purpose, RQS 3001, RL 2017-33.

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

Referred to Directors of Port Control, Finance, Law; Committees on Transportation, Finance.

**Ord. No. 388-17.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Grain Craft, Inc. fka Cereal Food Processors, Inc. for the lease of certain city owned property generally located at 1635 Merwin Avenue, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority.**

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Grain Craft, Inc. fka Cereal Food Processors, Inc. ("Lessee") for use and occupancy of approximately 23,716 square feet of land generally located at 1635 Merwin Avenue ("Leased Premises") which space has been determined to be not needed for public use for the term of the Lease and is more fully described as follows:

**Grain Craft Legal Description  
Parcel No. 101-16-005**

The City hereby grants and leases to Lessee, and Lessee hereby accepts and leases from the City, the right to use and occupy approximately 23,716 square feet of land generally located between the Cuyahoga River and Merwin Avenue, consisting of an ungraded area and being more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga, and State of

Ohio, and known as being part of Sublots 23 thru 30 of the Cleveland Center Allotment of part of the Ox Bow (Case's Point) and part of French Street N.W., now vacated, as shown by the recorded plat in Volume 2, Page 21 of Cuyahoga County Map Records, and accretions thereto, but only to the "Proposed Dock Line" as shown by the City of Cleveland Cuyahoga River Dock Line Map dated December, 1941, and bounded and described as follows:

Beginning at a point in the centerline of Merwin Street, 60 feet wide, at its intersection with the centerline of French Street, 50 feet wide, and from which point a Stone Monument found bears North 83° 44' 15" West 0.17 feet;

Thence South 22° 50' 35" West along the centerline of Merwin Street, 88.76 feet to a nail set;

Thence North 67° 09' 25" West, 30.00 feet to an iron pin set in the Northwesterly line of Merwin Street at its intersection with the Southwesterly line of said Sublot 30, and the principle place of beginning of the parcel herein described;

Thence North 67° 09' 25" West along the Southwesterly line of said Sublot 30, 75.50 feet to its intersection with said Proposed Dock Line of the Cuyahoga River, and from which point an iron pin set bears South 67° 09' 25" East, 1.50 feet;

Thence North 11° 46' 06" East along said Proposed Dock Line of the Cuyahoga River, 242.17 feet to an iron pin set at an angle point, therein;

Thence North 21° 32' 35" East along said Proposed Dock Line of the Cuyahoga River, 2.01 feet to an iron pin set at its intersection with the Southwesterly line of a parcel of land conveyed to Cereal Food Processors, Inc., by deed recorded in Volume 12993 Page 677 of Cuyahoga Records;

Thence South 67° 09' 25" East along the Southwesterly line of said land conveyed to Cereal Food Processors, Inc., 122.02 feet to an iron pin found at its intersection with the Northwesterly line of Merwin Street;

Thence South 22° 50' 35" West along the Northwesterly line of Merwin Street, 239.67 feet to the principle place of beginning, and containing 23,716 square feet (0.5444 acres) of land according to the survey by Donald G. Bohning & Associates, Inc., in August, 1995;

The courses used in this description are referenced to an assumed meridian, and are used to indicated angles only.

The Leased Premises shall be used for vehicle parking associated with their adjacent flour milling operation. The term of the Lease shall be for a two year period, with three one-year options to renew, commencing on the effective date of the Lease. The first of the one-year options to renew may be exercised by the Director of Port Control only if additional legislative authority is obtained. If such additional legislative authority is granted, the second and third one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. For use of the Leased Premises, Lessee shall pay the City, as determined by an independent third-party appraisal, an annual rent of \$17,000, for the initial term, payable in 12 equal monthly installments of \$1,416.67. The lease rate for each of the options exercised shall be adjusted

each year an option is exercised and is based on the United States Department of Labor, Consumer Price Index: "All Urban Consumers" Cleveland and Akron, but in no event shall be lower than the rate established during the initial term.

**Section 2.** That the Lease may authorize the Lessee to make improvements to the Leased Premises subject to the approval of appropriate City agencies and officials.

**Section 3.** That the Lease authorized by this ordinance shall be prepared by the Director of Law.

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

Referred to Directors of Port Control, City Planning Commission, Finance, Law; Committees on Transportation, Finance.

**Ord. No. 389-17.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Mid-Continent Coal and Coke Company for the lease of certain city owned property generally located at 700 Stones Levee Road, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority.**

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Mid-Continent Coal and Coke Company ("Lessee") for use and occupancy of approximately 12,400 square feet of land generally located at 700 Stones Levee Road ("Leased Premises") which space has been determined to be not needed for public use for the term of the Lease and is more fully described as follows:

**Mid-Continent Coal & Coke  
LEGAL DESCRIPTION OF  
P.P.N. 122-20-003**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 942 through 949 in the S.S. Stone's Subdivision as shown by the plat recorded in Volume 2, Page 31 of Cuyahoga County Map Records and being part of the Original One Hundred Acres Lot No. 487 and further bounded and described as follows:

Beginning on the northwesterly line of Stone's Levee Road, (70.00 feet wide) at its intersection with the northeasterly line of Sublot No. 941 in the aforesaid S.S. Subdivision;

Thence North 70 degrees 00' 30" West along the northeasterly line of

Sublot No.941, 65.82 feet to the Dock Line of the Cuyahoga River as established by the City of Cleveland;

Thence North 21 degrees 26' 22" East along the dock Line of the Cuyahoga River, 206.94 feet to the northeasterly line of Sublot No. 949 in the said S.S. Stone's subdivision;

Thence South 59 degrees 57' 50" East along the northeasterly line of Sublot No. 949, 72.18 feet to the northwesterly line of Stone's Levee Road;

Thence South 29 degrees 10' 30" West along the northwesterly line of Stone's Levee Road, 65.67 feet to an angle point;

Thence South 19 degrees 59' 30" West continuing along the northwesterly line of Stone's Levee Road, 129.46 feet to the place of beginning and containing 0.3007 acres of land as calculated and described by North Coast Engineering and Surveying Co., Inc., in January, 1998, be the same more or less, but subject to all legal highways.

The Leased Premises shall be used for loading, unloading, and storage of coal and coke used in their business operations. The term of the Lease shall be for a two year period, with three one-year options to renew, commencing on the effective date of the Lease. The first of the one-year options to renew may be exercised by the Director of Port Control only if additional legislative authority is obtained. If such additional legislative authority is granted, the second and third one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. For use of the Leased Premises, Lessee shall pay the City, as determined by an independent third-party appraisal, an annual rent of \$9,600, for the initial term, payable in 12 equal monthly installments of \$800.00. The lease rate for each of the options exercised shall be adjusted each year an option is exercised and is based on the United States Department of Labor, Consumer Price Index: "All Urban Consumers" Cleveland and Akron, but in no event shall be lower than the rate established during the initial term.

**Section 2.** That the Lease may authorize the Lessee to make improvements to the Leased Premises subject to the approval of appropriate City agencies and officials.

**Section 3.** That the Lease authorized by this ordinance shall be prepared by the Director of Law.

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

Referred to Directors of Port Control, City Planning Commission, Finance, Law; Committees on Transportation, Finance.

**Ord. No. 390-17.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department 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 of the necessary items of rock salt, 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 Streets, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any 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 7016, RL 2017-15)

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

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

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

**Ord. No. 398-17.**

**By Council Member Mitchell.**

**An emergency ordinance designating Buckeye Road between Woodhill Road and Martin Luther King Drive with a secondary and honorary designation of "Dr. Earl Preston Way"; and repealing Ordinance No. 110-17, passed April 3, 2017, that designated Buckeye Road between East 93rd Street and Martin Luther King Drive with a secondary and honorary designation of "Dr. Earl Preston Way".**

Whereas, the late Reverend, Dr. Earl Preston, Jr, served thirty-five years as Pastor of Morning Star Baptist Church in Cleveland; and,

Whereas, Dr. Preston was a great pioneer and legend in the music industry, not only in Cleveland, but throughout these United States; and,

Whereas, he was also a highly respected innovator, leader, preacher, and a pillar of this community who touched and changed many lives; and

Whereas, a ceremony will be held to honor Dr. Preston at Morning Star Baptist Church on Friday, April 28, 2017; and

Whereas, the citizens of Cleveland want to honor Dr. Earl Preston, Jr. with a street sign designation of "Dr. Earl Preston Way" in recognition of his many contributions to our community; and,

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

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

**Section 1.** That Buckeye Road between Woodhill Road and Martin Luther King Drive is designated with a secondary and honorary designation of "Dr. Earl Preston, Jr."

**Section 2.** That Ordinance No. 110-17, passed April 3, 2017, that designated Buckeye Road between East 93rd Street and Martin Luther King Drive with a secondary and honorary designation of "Dr. Earl Preston Way" is repealed.

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

Referred to Committee on Finance.

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

**Ord. No. 391-17.**

**By Council Member Conwell.**

**An emergency ordinance consenting and approving the issuance of a permit for the Amazing AKA 5K on May 13, 2017, sponsored by the Western Reserve Historical Society.**

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 Amazing AKA 5K, start: Western Reserve Historical Society at 10825 East Boulevard; East Boulevard; south to Wade Oval; Wade Oval west to Jephtha Drive; Jephtha north to Martin Luther King Jr. Boulevard; Martin Luther King Jr. Boulevard north to East Boulevard; turn around; Martin Luther King Jr. Boulevard south to Jephtha Drive; Jephtha south to Wade Oval; Wade Oval east to East Boulevard; East Boulevard north to Western Reserve Historical Society (finish line at 10825 East Boulevard); 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.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 393-17.**

**By Council Member Cleveland.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Burten, Bell, Carr Development Inc. for the Holiday Food Gift Card Program through the use of Ward 5 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into an agreement effective November 1, 2016 with Burten, Bell, Carr Development Inc., for the Holiday Food Gift Card Program for the public purpose of providing food gift cards to low/moderate income residents residing in the city of Cleveland through the use of Ward 5 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$7,000 and shall be paid from Fund No. 10 SF 188.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Res. No. 392-17.**

**By Council Member Dow.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1905 East 55th Street.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Laith Rashid, Inc., DBA Grandpas Kitchen, 1905 East 55th Street, Cleveland, Ohio 44103, Permit Number 4972485 to BDS Ohio, Inc., DBA Grandpas Kitchen, 1905 East 55th Street, Cleveland, Ohio 44103, Permit Number 0347925; 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 C2 and C2X Liquor Permit from Laith Rashid, Inc., DBA Grandpas Kitchen, 1905 East 55th Street, Cleveland, Ohio 44103, Permit Number 4972485 to BDS Ohio, Inc., DBA Grandpas Kitchen, 1905 East 55th Street, Cleveland, Ohio 44103, Permit Number 0347925; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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



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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

## SECOND READING EMERGENCY ORDINANCE

### Ord. No. 305-17.

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

An emergency ordinance to amend Section 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595-13, passed April 29, 2013, relating to exemptions from Admissions Tax; and to authorize the Directors of Finance and Law to enter into an amendment to the Cooperative Agreement between the City and Cuyahoga County dated as of September 15, 1992.

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

1. In Section 1, line 1, and Section 2, line 1, strike "195.30" and insert "195.03" in both places.

2. In Section 195.03(h)(2)A., strike lines 14, 15, 16, 17, 18, 19, 20, 21, and 22, and insert "which professional basketball players participate collectively, "Games", plus (b) two percent (2%) of admissions charges for admissions to the Gateway Arena for events other than Games in any Collection Year; plus".

3. In Section 3, line 4, strike "305-17-A" and insert "305-17-B". Amendments agreed to.

## SECOND READING EMERGENCY ORDINANCES PASSED

### Ord. No. 71-17.

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

An emergency ordinance authorizing the Director of Capital Projects to make alterations and modifications in Contract No. PI 2014-045 with J.G. Johnson Construction Co. for the rehabilitation of the Eastside Maintenance Facility, for the Office of Capital Projects.

Approved by Directors of Capital Projects, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 101-17.

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

An emergency ordinance to amend Section 9 of Ordinance No. 246-15, passed April 13, 2015, relating to the public improvement and design of

constructing a City Kennel, and rehabilitating, renovating or otherwise improving various public facilities, including site improvements and appurtenances.

Approved by Directors of Capital Projects, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 193-17.

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

An emergency ordinance authorizing the Director of Public Works to enter into one or more license agreements with the Northeast Ohio Regional Sewer District, to install and maintain a data sonde station in Doan Brook on City-owned property in Rockefeller Park and at other locations.

Approved by Directors of Public Works, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 194-17.

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

An emergency ordinance authorizing the Director of Public Works to employ one or more professional consultants to provide security services at various indoor and outdoor recreation facilities, including but not limited to, recreation centers, outdoor pools, and various surrounding play areas, for a period not to exceed one year.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 202-17.

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

An emergency ordinance determining the method of making the public improvement of repairing, constructing, or installing, roadways, bus pads, sidewalks, driveway aprons, curbs, brick streets, ADA compliant curb ramps, minor bridge repairs, and appurtenances, and asphalt resurfacing and asphalt crack sealing; authorizing the Director of Capital Projects to enter into one or more public improvement requirement contracts for the making of the improvement; authorizing the director to apply for and accept any gifts or grants; and authorizing any agreements, for a period not to exceed two years.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 251-17.

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

An emergency ordinance authorizing the Director of Public Works to enter into contract with the Northeast Ohio Muni Football League aka Cleveland Municipal Football Association to conduct a city-wide football program.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 252-17.

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

An emergency ordinance authorizing the Director of Public Works to employ a management firm to provide managerial services for the daily operations of the roller skating rink located within Zelma Watson George Recreation Center and the concession services of the center, for a period of five years, with five options to renew for additional one-year periods, exercisable by the Director of Public Works.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 285-17.

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

An emergency ordinance authorizing the Director of Public Works to enter into one or more concession agreements for the operation of a first-class food and beverage service at the Cleveland City Hall Cafeteria, for a period not to exceed two years, with a one-year option to renew, exercisable by the Director of Public Works.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 286-17.

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

An emergency ordinance authorizing the Director of Public Works to enter into one or more concession agreements for the operation of a first-class food and beverage service in connection with renting the Rotunda in City Hall and for marketing the rental of the Rotunda for catered events, for a period not to exceed two years, with a one-year option to renew, exercisable by the Director of Public Works.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 288-17.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of trees, and labor and materials needed for urban forestry services, including but not limited to, maintaining and planting trees, and removing trees, stumps, and tree waste material, for the Division of Park Maintenance and Properties, Department of Public Works, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Works.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 318-17.**

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Section 32 of Ordinance No. 323-15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 356-17.**

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing payment of membership dues of the City of Cleveland in Global Cleveland for 2017.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 357-17.**

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of paper products, for the various divisions of City government for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 358-17.**

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Sections 7, 13, and 16 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 491-15,

passed May 4, 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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 359-17.**

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Section 8 of Ordinance No. 323-15, passed March 30, 2015, as amended, 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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 204-17.**

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

An emergency resolution declaring the intent to vacate a portion of Lorain Court and West 48th Place.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Municipal Services and Properties, Development Planning and Sustainability.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**MOTION**

The Council Meeting adjourned at 7:56 p.m. to meet on Monday, April 17, 2017, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

**Ord. No. 305-17.**

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

An emergency ordinance to amend Section 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595-13, passed April 29, 2013, relating to exemptions from Admissions Tax; and to authorize the Directors of Finance and Law to enter into an amendment to the Cooperative Agreement between the City and Cuyahoga County dated as of September 15, 1992.

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

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

**Section 1.** That Section 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595-13, passed April 29, 2013, is amended to read as follows:

**Section 195.03 Exemptions from Tax**

(a) No tax shall be levied under this chapter with respect to any admission all the proceeds of which inure:

(1) Exclusively to the benefit of religious, educational or charitable institutions, societies or organizations; societies or organizations for the prevention of cruelty to children or animals or societies or organizations conducted for the sole purpose of maintaining symphony orchestras and receiving substantial support from voluntary contributions, or of improving any municipal corporation, or of maintaining a cooperative or community center, moving picture theater, or swimming pool, if no part of the net earnings thereof inures to the benefit of any private stockholder or individual;

(2) Exclusively to the benefit of persons in the military or naval forces of the United States, or of National Guard organizations, reserve officer associations or posts or organizations of war veterans or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units or societies are organized in the State, and if no part of their net earnings inures to the benefit of any private stockholder or individual;

(3) Exclusively to the benefit of members of the police or fire departments of any municipal corporation, or the dependents or heirs of such members;

(4) Exclusively to the benefit of the general revenue fund of any municipal corporation or exclusively to the benefit of any fund of any municipal corporation under the control of a recreation commission.

(5) Exclusively to a small capacity live entertainment venue that has occupant load capacity of less than or equal to one hundred-fifty (150) people. For purposes of this section, "small capacity live entertainment venue" is defined as any separate room in a premises where people pay admission to attend a separate active performance by an individual or individuals who, at the time of and during the performance, create live entertainment for an audience through the use or manipulation of voice, instruments, or dance. If the same active performance is occurring for the benefit of more than one separate room, then those separate rooms shall be considered together as one venue.

(b) (1) The exemption from tax provided by this section shall, however, not be allowed in case of admissions to wrestling matches, prize fights or boxing, sparring or other pugilistic matches or exhibitions, unless exclusively for the benefit of those organizations set forth in division (a) (2) of this section, nor in the case of admissions to any athletic game or exhibition the

proceeds of which inure wholly or partly to the benefit of any high school, academy, preparatory or other school or wholly or partly to the benefit of any college or university.

(2) The exemption from tax provided by division (a)(1) of this section shall, however, not be allowed in case of admissions to museums located on land leased by the City pursuant to a lease agreement entered into after August 21, 1991.

(c) Immediately after the event for which an exemption from admission tax has been allowed, upon the demand of the Commissioner of Assessments and Licenses, the treasurer of the institution, society or organization for whose benefit such event was held shall file an itemized statement with the Commissioner setting forth the amount of money actually received by such treasurer together with the expenses of promoting and conducting such event. Such statement shall be used as a basis of subsequent requests for exemption from admissions tax for the benefit of such institution, society or organization. If such statement shows a disproportionate expenditure for promoting and conducting such event, in relation to the profits, if any, no such exemption shall thereafter be allowed to such institution, society or organization.

(d) The exemption from tax provided in this section shall not be allowed to any institution, society or organization which does not control the sale of admissions to the event for which the exemption is requested, nor shall any exemption be allowed where talent, services or other items are compensated for on a percentage basis if such percentage results in a payment in excess of the flat rate ordinarily charged for the same talent, services or other items.

(e) The limitation contained in this section, upon the exemption from tax in case of admissions to wrestling matches, prize fights or boxing, sparring or other pugilistic matches or exhibitions, shall not be deemed to apply to any such matches or exhibitions in which all the contestants are amateurs and the entire proceeds thereof are devoted to a legitimate charitable purpose, excepting therefrom the necessary expenses, which shall in no event include payment to any contestant other than his or her necessary traveling expenses.

(f) Notwithstanding anything else in this chapter to the contrary, no tax shall be levied under this chapter with respect to any admission to the indoor arena facility (the "Gateway Arena") constructed by Gateway Economic Development Corporation of Greater Cleveland ("Gateway") pursuant to that certain Agreement Relating to Ownership, Financing, Construction and Operation of a Sports Facility and Related Economic Development Projects, dated as of November 7, 1990, as amended by the First Amendment as authorized by Ordinance No. 325-92 (the "Three-Party Agreement"), between the City, Gateway, and the County of Cuyahoga, Ohio (the "County"), provided, however, that the exemption provided by this division (f) shall apply and be effective only as long as there are outstanding any Arena Bonds to which reference is made in the Cooperative Agreement between the City and County authorized by Ordinance No. 327-92

(the "Cooperative Agreement") (such Bonds being hereinafter referred to as the "Arena Bonds") and only if and as long as the following conditions are met and shall have been certified to be met by the Director of Law to the Commissioner of Assessments and Licenses:

(1) Gateway shall pay or shall cause the lessees or operators of the Gateway Arena to pay to the Trustee (the "Trustee") for the holders of the Arena Bonds amounts equal to the taxes that would have been levied under Section 195.02 but for the exemption provided by this division (f) at the times and in the manner that such taxes would have been payable under this chapter. In computing the amount payable pursuant to this division (f)(1), the admission charges for admissions to the Arena shall be deemed to be net of the amount payable pursuant to this division (f)(1).

(2) The County shall, in its trust agreement or a related agreement with the Trustee, require the Trustee:

A. To retain each Bond Year as defined in the Cooperative Agreement from the amounts paid to the Trustee pursuant to division (f)(1) of this section to secure payments with respect to the Arena Bonds as provided in the Cooperative Agreement, an amount up to the sum of: (a) three percent (3%) of all admissions charges for admissions to the Gateway Arena during the related Collection Year as provided in the Cooperative Agreement for: basketball games played by the Cleveland Cavaliers at the Gateway Arena during each basketball season (including divisional, conference and championship play-off games); preseason or exhibition basketball games played by said Cavaliers at the Gateway Arena and the NBA All-Star Game and any other event held at the Gateway Arena in which professional basketball players participate (collectively, "Games"), plus (b) in the event that the City increases the taxes payable under this chapter from six percent (6%) to a higher rate, the percentage equal to such increase times all admissions charges for all admissions during such Collection Year to the Gateway Arena for Games, and plus (c) in the event that the City increases the taxes payable under this chapter from six percent (6%) to a higher rate, the percentage equal to such increase times all admissions charges for all admissions during such Collection Year to the Gateway Arena for any events other than Games;

B. To release and pay to the City at the end of each Bond Year any of such amount described in division (f)(2)A. above not used or needed for such purpose during such Bond Year, together with any investment income earned thereon; and

C. To pay any such amounts in excess of the amount described in division (f)(2)A. above directly to the City at the end of each Bond Year, together with any investment income earned thereon.

(3) Gateway shall prepare and submit to the Director of Finance of the City and the Clerk of City Council, or cause the preparation and submission to the Director of Finance of the City and the Clerk of City Council, such returns and reports regarding the amounts paid to the Trustee pursuant to division (f)(1) of

this section as the Directors of Law and Finance shall reasonably require to demonstrate Gateway's compliance with this section.

(4) Gateway shall agree to repay or cause to be repaid to the City from Gateway's future excess revenues any moneys paid to the Trustee pursuant to division (f)(2)A. of this section actually applied to the payments with respect to the Arena Bonds with interest and on such other terms and in such form as are consistent with Gateway's obligations under the trust indentures and related agreements securing Gateway's bonds and the Arena Bonds and as the City's Director of Finance and Director of Law deem acceptable in the interests of the City.

(5) Gateway shall make or cause to be made such other assurances and commitments as the City's Director of Finance and Director of Law deem necessary, and appropriate to protect the City's entitlements under this division (f) and provide copies of such other assurances and commitments to the Clerk of the Council.

(g) (1) Except as otherwise provided in division (b), and notwithstanding anything else in this chapter to the contrary, no tax shall be levied under this chapter with respect to any admission to live theater, live opera, live ballet, or live exhibition of dance, musical performance, or monologue productions which are sponsored by an institution, society or organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; provided that the institution, society or organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, live ballet, or live exhibition of dance, musical performance, or monologue productions and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least twenty percent (20%) of the net profits, if any, of the events which the institution, society or organization sponsors and will bear the risk of at least twenty percent (20%) of the losses, if any, from the events which the institution, society or organization sponsors.

(2) The exemption from tax provided in this subsection shall not be allowed to any institution, society or organization which does not control the sale of admissions to the event for which the exemption is requested.

(3) Immediately after an event for which an exemption from admission tax has been allowed pursuant to this subsection (g), the treasurer of the institution, society or organization shall file an itemized statement with the Commissioner setting forth the amount of money actually received by such treasurer together with the expenses of promoting and conducting such event. Such statement shall be used as a basis of subsequent requests for exemption from admissions tax in accordance with this subsection. If such statement demonstrates a failure to qualify in accordance with paragraph (1) of this subsection (g), no such exemption shall thereafter be allowed to such institution, society or organization.



(h) Division (f) of this section shall continue to apply unaffected by this division (h) so long as the Arena Bonds as defined in division (f) remain outstanding. From and after the date on which all the Arena Bonds as defined in division (f) cease to be outstanding, notwithstanding anything else in this chapter to the contrary, no tax shall be levied under this chapter with respect to any admission to the Gateway Arena as defined in division (f), provided, however, that the exemption provided by this division (h) shall apply and be effective only as long as there are outstanding any Series 2017 Arena Bonds to which reference is made in the Supplemental Agreement No. 1 (the "Supplemental Agreement"), between the City of Cleveland, Ohio (the "City") and the County of Cuyahoga, Ohio (the "County") supplementing the Cooperative Agreement between the City and the County referenced in division (f), and only if and as long as the following conditions are met and shall have been certified to be met by the Director of Law to the Commissioner of Assessments and Licenses:

(1) Gateway shall pay or shall cause the lessees or operators of the Gateway Arena to pay to the Trustee (the "Series 2017 Bonds Trustee") for the holders of the Series 2017 Arena Bonds amounts equal to the taxes that would have been levied under Section 195.02 but for the exemption provided by division (h) at the times and in the manner that such taxes would have been payable under this chapter. In computing the amount payable pursuant to this division (h)(1), the admission charges for admissions to the Gateway Arena shall be deemed to be net of the amount payable pursuant to this division (h)(1).

(2) The County shall, in the Series 2017 Bonds Trust Agreement (as defined in the Supplemental Agreement), require the Series 2017 Bonds Trustee:

A. To retain in each Bond Year as defined in the Supplemental Agreement from the amounts paid to the Series 2017 Bonds Trustee pursuant to division (h)(1) of this section to fund and secure payments with respect to the Series 2017 Arena Bonds and to fund improvements to sports facilities as provided in the Supplemental Agreement (the "Series 2017 Arena Admissions PILOT"), an amount up to the sum of (a) five percent (5%) of all admissions charges for admissions to the Gateway Arena during the related Collection Year as provided in the Supplemental Agreement for: basketball games played by the Cleveland Cavaliers at the Gateway Arena during each basketball season (including divisional, conference and championship play-off games); preseason or exhibition basketball games played by said Cavaliers at the Gateway Arena and the NBA All-Star Game and any other event held at the Gateway Arena in which professional basketball players participate (collectively, "Games"), plus (b) two percent (2%) of admissions charges for admissions to the Gateway Arena for events other than Games in any Collection Year; plus (c) in the event that the City increases the taxes payable under this chapter from eight percent (8%) to a higher rate, the

percentage equal to such increase times all admissions charges for all admissions during such Collection Year to the Gateway Arena for Games, and plus (d) in the event that the City increases the taxes payable under this chapter from eight percent (8%) to a higher rate, the percentage equal to such increase times all admissions charges for all admissions during such Collection Year to the Gateway Arena for any events other than Games; and

B. From and after the date in each Bond Year when the full amount needed to pay debt service on the Series 2017 Bonds during that Bond Year has been deposited in the Series 2017 Bond Fund, to deposit any remaining amounts paid to the Series 2017 Bonds Trustee pursuant to division (h)(1) of this section in the Sports Facility Improvement Fund until a maximum amount of \$3,500,000 is deposited in the Sports Facility Improvement Fund and then into the Cooperative Reserve, all as defined and provided in the Supplemental Agreement, to be held and applied as required or permitted by the Series 2017 Bonds Trust Agreement; provided, however, that (A) all deposits of the Series 2017 Arena Admissions PILOT to the Sports Facility Reserve shall be credited to a separate account in the Sports Facility Improvement Fund (the "City Account"), and moneys in the City Account shall be permitted to be used only to fund improvements to sports facilities and not for the payment of debt service on Series 2017 Bonds; (B) any disbursements from the Sports Facility Improvement Fund shall be made first from any moneys in the Sports Facility Improvement Fund not in the City Account; and (C) any moneys in the City Account at the time the Series 2017 Bonds are fully retired or deemed paid and discharged under the Series 2017 Arena Bonds Trust Agreement that are not already encumbered for the purpose of paying outstanding contracts shall revert to the City.

(3) Gateway and the County shall prepare and submit to the Director of Finance of the City and the Clerk of City Council, or cause the preparation and submission to the Director of Finance of the City and the Clerk of City Council, such returns and reports regarding the amounts paid to the Series 2017 Bonds Trustee pursuant to division (h)(1) of this section as the Directors of Law and Finance shall reasonably require to demonstrate Gateway's compliance with this section.

(4) Gateway and the County shall make or cause to be made such other assurances and commitments as the City's Director of Finance and Director of Law deem necessary, and appropriate to protect the City's entitlements under this division (h) and provide copies of such other assurances and commitments to the Clerk of the Council.

**Section 2.** That existing Section 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595-13, passed April 29, 2013, is repealed.

**Section 3.** That the Directors of Finance and Law are authorized to enter into an amendment to the Cooperative Agreement between the City and Cuyahoga County, dated as of September 15, 1992, relating to the

Gateway Project, and is substantially in the form placed in File No. 305-17-B.

**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.

## BOARD OF CONTROL

April 5, 2017

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 5, 2017 at 10:44 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Absent: Mayor Jackson.  
Others: Tiffany White Johnson, Commissioner, Purchases & Supplies.

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

Melissa Burrows, Director, Office of Equal Opportunity.

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

### Resolution No. 162-17.

By Director Dumas.

Whereas, under the authority of Ordinance No. 478-16, passed by the Council of the City of Cleveland on April 25, 2016, and Resolution No. 448-16, adopted by this Board on November 2, 2016, the City, through its Director of Finance, entered into Contract No. CT1511-PS-2016\*267 with Centric Consulting, LLC ("Consultant") to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to implement the following technology projects and existing systems: Accela, NeoGov and CityWorks, for a term of one year, for the Division of Information Technology and Services, Department of Finance; and

Whereas, the City desires to extend the term of Contract No. PS2016\*267 for two years starting on the day following expiration of the current term, to obtain project management and implementation services for the Divisions of Streets and of Property Management, Department of Public Works, for the CityWorks Work Order Management System, and business analysis services for the Division of Police Field-based Reporting Project, Department of Public Safety; and

Whereas, Consultant is willing to perform the above-mentioned services during the additional two years of the term for a fee of \$411,603.00 per year; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Finance is authorized to enter into a first modification to City Contract No. CT-1511-PS-2016\*267 with Centric Consulting,



LLC extending the term of the contract for two years starting on the day following expiration of the initial term to obtain the above-mentioned project management and implementation services for the Divisions of Streets and of Property Management, Department of Public Works, for the CityWorks Work Order Management System, and business analysis services for the Division of Police Field-based Reporting Project, Department of Public Safety and to increase the contract amount by \$411,603.00 for each of the two additional term years. The first modification shall be prepared by the Director of Law and shall include such additional provisions as the Director deems necessary to benefit and protect the public interest.

Be it further resolved that the employment of the following sub-consultants during each of the two years under the first modification authorized above is approved:

<u>SUB-CONSULTANTS</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Devore Technologies, Inc. (CSB/FBE)	\$ 64,861.00	15.7%
Woolpert, Inc.	\$100,000.00	24.2%

Yeas: Directors Langhenry, Dumas, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 163-17.**

By Director Davis.

Whereas, under the authority of Ordinance No. 1080-99, passed by the Cleveland City Council on May 22, 2000, and Board of Control Resolution No. 808-00, adopted December 6, 2000, the City of Cleveland, through the Director of Public Utilities, entered into City Contract No. 57651 with Montgomery Watson Americas, Inc. to acquire implementation consultant services for the citywide Geographic Information System Program, for the various divisions of City government; and

Whereas, the citywide Geographic Information System runs on the Environmental Systems Research Institute, Inc. (ESRI) software platform, and support, maintenance, and licenses must be renewed annually for proper use and support of the citywide GIS software and applications; and

Whereas, division (c) of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O.") authorizes a director to execute one or more license agreements for software needed to implement or maintain a previously acquired software system directly with software licensing firm; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with a software vendor for professional services necessary to implement or maintain the software system, including but not limited to maintenance, repair, upgrades, enhancements and technical support; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Environmental Systems Research Institute, Inc. (ESRI) to renew the necessary software licenses and to obtain the professional services necessary to continue support and maintenance for the citywide GIS software and applications for one year starting June 1, 2017; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of division (c) of Section 181.102 C.O., the compensation to be paid for license fees and for maintenance and support services to be performed under the contract with Environmental Systems Research Institute, Inc. (ESRI) for the one-year term starting June 1, 2017 shall not exceed \$210,766.00.

Yeas: Directors Langhenry, Dumas, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 164-17.**

By Director Davis.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Utilicon Corp. for the public improvement of installing automated meter reading units on remaining residential and commercial accounts, including Cleveland Heights accounts and master meter vaults not yet converted, including a \$589,954.20 contingency allowance, Group C, all items, for the Division of Water, Department of Public Utilities, received on February 17, 2017 under the authority of Ordinance No. 655-16, passed July 13, 2016, upon a unit basis for the improvements to be performed as ordered during a period of two years, with two one year options to renew, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$6,489,496.20, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested 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 less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control that the employment of the following subcontractor by Utilicon Corp. for the above-mentioned public improvement by requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>	<u>PERCENTAGE</u>
DRC Contracting Group, LLC (CSB)		\$1,946,900.00 30%

Yeas: Directors Langhenry, Dumas, Davis, Acting Director

Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 165-17.**

By Director Davis.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Fabrizi Recycling, Inc. for the public improvement of Rocky River Drive Sewer Project (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on January 19, 2017, under the authority of Ordinance No. 1287-15, passed by the Council of the City of Cleveland on November 16, 2015 and Ordinance No. 1292-15, passed by the Council of the City of Cleveland on December 7, 2015, upon a unit basis for the improvement, in the aggregate amount of \$1,489,383.50, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Fabrizi Recycling, Inc. for the above-mentioned public improvements is approved:

<u>SUBCONTRACTOR</u>	<u>CSB/MBE/FBE</u>	<u>WORK</u>
RAR Contracting Co., Inc.	CSB	\$463,000.00(31.40%)
Trafftech, Inc.	CSB	\$20,000.00(0.00%)
Fabrizi Trucking & Paving	Other	TBD

Yeas: Directors Langhenry, Dumas, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 166-17.**

By Director Kennedy.

Resolved, by the Board of Control of the City of Cleveland that the bid of West Roofing Systems, Inc. for the public improvement of repairing or replacing roofs or roof systems, all items, at Cleveland Hopkins International Airport and Burke Lakefront Airport, for the Department of Port Control, for a period of two years starting upon the latter of the execution of a contract or the day following the expiration of the currently effective contract, with two one-year options to renew, received February 8, 2017, under the authority of Ordinance No. 1196-16, passed by the Council of the City of Cleveland on November 21, 2016, which on the basis of the estimated quantity would amount to \$13,982.61 is affirmed and approved as the lowest responsible bid, and the Director of Port Control is requested to enter into a public improvement by requirement contract for the goods and/or services specified.

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

Be it further resolved by the Board of Control that the employment of the following subcontractors by West Roofing Systems, Inc. is approved:

<u>Subcontractors</u>	<u>CSB Percentage Amount</u>
Price Builders	15.3% CSB \$2,138.00
River City Building Products	Non-CSB \$1,141.00

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 167-17.**

By Director Spronz.

Whereas, under the authority of Ordinances Nos. 1348-14 and 1101-15, pass by the Cleveland City Council on December 1, 2014 and November 9, 2015, respectively, and Resolution No. 452-16, adopted by this Board of Control on November 2, 2016, the City, through its Director of Capital Projects, entered into City Contract No. PI2017-08 with Vandra Brothers Construction, Inc. for the public improvement of East 152nd Street (Woodworth Avenue to Waterloo Road) in the amount of \$5,633,036.80, and approved various subcontractors, for the Division of Engineering and Construction, Office of Capital Projects; and

Whereas, Resolution No. 452-16 inadvertently omitted the name of one sub-contractor to be utilized by Vandra Brothers Construction under the above-mentioned contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 452-16, adopted by this Board November 2, 2016, approving the bid of Vandra Brothers Construction, Inc. as the lowest responsible bidder for the public improvement of East 152 Street (Woodworth Avenue to Waterloo Road), is amended by the following as an approved subcontractor for the above-mentioned public improvement:

The Shelly Company  
(non-certified) — \$850,000.00

Be it further resolved that all other provisions of Resolution No. 452-16 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 168-17.**

By Director Spronz.

Whereas, under the authority of Ordinance No. 912-07, passed by Cleveland City Council June 11, 2007, as amended by Ordinances No. 637-08, passed June 9, 2008, No. 455-09, passed on June 8, 2009, and No. 678-11, passed on June 6, 2011, and No. 730-13, passed on May 20, 2013 and Board of Control Resolution No. 265-16, adopted June 1, 2016, the City, through its Director of Capital Projects, entered into Contract No. PS2016-137 with KS Associates, Inc. ("Engineer") for professional engineering consulting services necessary for the Moveable Bridge Safety Inspections (the "Project"); and

Whereas, the City requires additional engineering services necessary to design plans and specifications to replace counterweight lifting cables on Willow Lift Bridge found to have lost their integrity; and

Whereas, Engineer has proposed by its March 14, 2017 letter to perform the above-mentioned additional services for an amount not to exceed \$131,355.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Capital Projects is authorized to enter into a first modification to Contract No. PS2016-137 with KS Associates, Inc., in accordance with its proposal dated March 14, 2017, for the additional engineering services necessary to prepare plans and specifications to replace the Willow Bridge counterweight lifting cables, for an additional amount not exceeding \$131,355.00, thereby increasing the total compensation under the contract to \$517,041.00.

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 169-17.**

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that the bids received on February 16, 2017 for the public improvement of Fire Station No. 1 Mechanical and General Improvements for the Office of Capital Projects, pursuant to the authority of Ordinance No. 734-14, passed by the Council of the City of Cleveland on June 9 2014, are rejected.

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 170-17.**

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction, Inc. for the public improvement of the Impett Park New Concession Building and Overall Park Improvements, Base Bid Items 1-3, and Alternate Item A-3, for the Office of Capital Projects, received on January 13, 2017 under the authority of Ordinance No. 732-14, passed June 9, 2014,

upon a gross-price basis for Base Bid Items 1 and 2 in the amount of \$268,797.25 and upon a unit-price basis for Base Bid Item 3 and Alternate Item A-3 in the amount of \$125,478.15, for a total amount of \$394,175.40, is affirmed and approved as the lowest responsible bid, and the Director of the Office of Capital Projects is authorized to enter into contract with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Envirocom Construction, Inc. are hereby approved:

<u>Subcontractor Amount</u>	<u>CSB/MBE/FBE Percentage</u>
Cook Paving	MBE 5.87%
Chieftrain Trucking	FBE 7.10%
Alternelite Electric	MBE 3.30%
Tucker-Grubbs	MBE 1.14%
Down to Earth Landscaping	N/A 0.00%
Norm King Construction	N/A 0.00%

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 171-17.**

By Director McGrath.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on October 28, 2016 for the purchase of labor and materials for Fire Boat Celebrezze repairs (re-bid), for the Division of Fire, Department of Public Safety, under the authority of Ordinance No. 641-15, passed by the Council of the City of Cleveland on June 8, 2015, are rejected.

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 172-17.**

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on March 3, 2017, for labor and materials for building cleaning and maintenance services at the West Side Market, as specified, for the Division of West Side Market, Department of Public Works, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 173-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 109-10-176 located on Tanner 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, Mardess Edwards and John H. Edwards 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 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 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 Mardess Edwards and John H. Edwards for the sale and development of Permanent Parcel No. 109-10-176 located on Tanner Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 174-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 002-34-099, 002-34-102 and 007-01-047 located in Ward 3; 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, Ohio City Inc., or its designee, has proposed to the City to purchase and develop the parcels for construction of residential housing; and

Whereas, the following conditions exist:

1. The member of Council from Ward 3 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 Ohio City Inc., or its designee, for the sale and development of Permanent Parcel Nos. 002-34-099, 002-34-102 and 007-01-047 located in Ward 3, 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: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 175-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel 002-12-041 located at 1362 West 58th 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, Thomas Matthew Lindsay has proposed to the City to purchase and develop the parcel for new housing construction; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the 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 Thomas Matthew Lindsay for the sale and development of Permanent Parcel 002-12-041, 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, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 176-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel 002-05-096 located at 7500 Rutledge 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, LB Property Management Group, LLC has proposed to the City to purchase and develop the parcel for new housing construction; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the 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 LB Property Management Group, LLC for the sale and development of Permanent Parcel 002-05-096, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel



shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 177-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 112-24-167 located at 14503 Darwin 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, Mary L. Moore 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 8 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Mary L. Moore for the sale and development of Permanent Parcel No. 112-24-167 located at 14503 Darwin Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 178-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 132-24-037 located at 6724 Claasen 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, Daniele Stojanovski 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 Daniele Stojanovski for the sale and development of Permanent Parcel No. 132-24-037 located at 6724 Claasen Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 179-17.**

By Director O'Leary.

Whereas, under the Ohio Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) General Permit No. OHQ00002 and Draft-Renewal General Permit No. OHQ00003, the City of Cleveland is required to regulate the use of environmental controls on construction activity in the City of Cleveland to control sediment and erosion at applicable developments, before, during and after the construction; and

Whereas, Section 3116.04 of the Codified Ordinances of Cleveland, Ohio, 1976 ("C.O.") authorized the Director of Building and Housing to enter into contract for professional services related to NPDES-covered construction activities necessary to conduct post-compliance review for long-term operations and maintenance of quality control measures for compensation to be fixed by the Board of Control; and

Whereas, the Director of Building and Housing intends to enter into a

contract with the Cuyahoga Soil and Water Conservation District, on the basis of its February 23, 2017 email, for the above-mentioned post compliance services for a term of one year with one option, exercisable by the Director, to renew for an additional consecutive one-year term; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Section 3116.04 C.O., the compensation to be paid for professional services to be rendered under the above-mentioned agreement with the Cuyahoga Soil and Water Conservation District shall not exceed \$20,000.00 for the initial term year and \$20,000.00 for the optional renewal year, if exercised.

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 180-17.**

By Director O'Leary.

Whereas, under the authority of Section 3116.04, Codified Ordinances of Cleveland, Ohio, 1976 and Board of Control Resolution No. 153-14, adopted April 9, 2014 the City, through the Director of Building and Housing, entered into Contract No. CT 8501 PS2016-087 with Cuyahoga Soil and Water Conservation District for technical assistance services related to NPDES-covered construction activities including initial plan review, subsequent plan review, site inspection, and the preparation of all reports, financial and programmatic for a term of one year with one option, exercisable by the Director, to renew for an additional consecutive one-year term, for compensation of \$75,000.00 for the initial term and \$75,000.00 for the optional renewal term, if exercised; and

Whereas, the City requires additional technical assistance services during the optional renewal term related to NPDES-covered construction activities under Contract No. CT 8501 PS2016-087; and

Whereas, the Cuyahoga Soil and Water Conservation District has proposed by its February 23, 2017 email to perform the above-mentioned additional technical assistance services for additional compensation of \$20,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, the City, through its Director of Building and Housing, is authorized to enter into a first modification to Contract No. CT 8501 PS2016-087 with the Cuyahoga Soil and Water Conservation District for additional technical assistance services related to NPDES-covered construction activities as necessary during the optional renewal term, for additional compensation not to exceed \$20,000.00, thereby increasing the total compensation for the renewal term under the contract to \$95,000.00.

Yeas: Directors Langhenry, Davis, Acting Director Szabo, Directors Cox, Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Directors McNamara, and O'Leary.

Nays: None.



Absent: Mayor Jackson and Director Dumas.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

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

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

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

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

ROBERT BENNETT,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 24, 2017

9:30 A.M.

**Calendar No. 17-62:** 1967 West 48th Street (Ward 3)

B.R. Knez, owner, proposes to erect a 16' x 55' two story frame single family residence with detached 20' x 20' 1 story frame garage in B1 Two-Family Residential District. The owner appeals for relief from Section 357.09(2)(B) which states that the required Interior Side yard shall be not less than 6.35 feet and the appellant is proposing 3 feet. (Filed March 9, 2017)

**Calendar No. 17-68:** 2309 St. Clair Avenue (Ward 7)

Two Men LLC., owner, proposes construct a 2,460 square foot building addition on a proposed consolidated lot for the enlargement and expansion of an existing legal non-conforming adult entertainment "Adult Cabaret" in a C3 Semi-Industry District. The owner appeals for relief from Section 347.07(C) which states that no adult entertainment use shall be established on a lot or lots within 1,000 feet of a residential district. The proposed Adult Cabaret is within 1,000 feet of a residential district to the southeast on East 25th Street. (Filed March 14, 2017)

**Calendar No. 17-69:** 1428 West 57th Street (Ward 15)

B.R. Knez, owner, proposes to erect a new 2 1/2 story 1,700 square foot single family house in a B1 Two-Family Residential. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that in a Two-family district no interior side yard, shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth 1/4 the height of the main building on the premises. The proposed building height is 34' - 0" thus no interior side yard shall be less than 8' - 6" where a 4' - 0" side yard is proposed (distance: gutter board/ fascia to property line.)

2. Section 357.09(b)(2)(A) which states that no building shall be erected less than 10' - 0" from a main building on an adjoining lot. The distance to main building on adjoining lot is 7' - 4". (Filed March 15, 2017)

**Calendar No. 17-70:** 10500 Cedar Avenue (Ward 6)

Cleveland Clinic, owner, proposes to erect the core and shell of a new two-story building with a parking lot in a C1 Multi-Family Residential, a C2 General Retail Business District and a D3 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.08 which states that Office use is not permitted in a Multi-Family Residential District but first permitted in Local Retail Business with no more than five workers and first permitted in Gen Retail Business District without this restriction.

2. Section 323.03 which states that the minimum area required for accessory off-street parking spaces is 180 square feet and the proposed spaces are 144 square feet.

3. Sections 352.08 through 352.12 which states that an 8 foot wide landscaped transition strip is required where a General Retail Business District and a Semi-Industry District abut a Multi-Family Residential District.

4. Section 352.10(a)(1) which states that 6 foot wide landscape frontage strips are required.

5. Section 352.10(E) which states that island strips shall have a minimum area of 100 square feet each and shall be separated by no more than 20 parking spaces. (Filed March 16, 2017)

**Calendar No. 17-71:** 1104 East 169th Street (Ward 8)

Cuyahoga County Land Bank, owner, proposes to erect a 10' x 20' aluminum commercial container, 8 feet tall, used as permanent personal storage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 337.231(c)(1) which states that a portable storage container can be on property a maximum 30 days. The appellant is requesting permanent placement. (Filed March 20, 2017)

**POSTPONED FROM  
MARCH 20, 2017**

**Calendar No. 17-041:** 3208 Broadview Road (Ward 12)

Melniks Automotive LLC., owner, proposes to establish use as motor vehicle repair garage and as a motor vehicle sales facility in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that Motor Vehicle repair garage and motor vehicle sales facility are not permitted uses in a Local Retail Business District.

2. Section 352.08 through 352.12 which state that a six foot wide landscape frontage strip is required at Henninger to screen parking form street. A four foot wide landscaped transition strip is required separating proposed motor vehicle repair garage facility from adjoining premises in the Local Retail Business is required. Landscape plan and schedule is required.

3. Section 327.02(d)(e) which states that a Site plan drawn to a measurable scale and showing all features of the property is required. Site plan is inadequate not drawn to a measurable scale, and does not contain all features of the side such as height, type, and locations of fences, paved and unpaved areas, striping of customer parking areas, driveways and aprons, and other features required to determine compliance with Cleveland zoning code. (Filed February 9, 2017 - No Testimony)

First postponement made at the request of the Councilman for further review.

**POSTPONED FROM  
MARCH 13, 2017**

**Calendar No. 17-37:** 2201 West 33rd Street (Ward 3)

Cleveland Bricks, owner, proposes to convert a store to a four unit apartment building in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03(a) which states that buildings with more than two dwelling units are not permitted in a Two-Family Residential District.

2. Section 359.01 which states that Board of Zoning Appeals review and approval is required for a substitution of a non-conforming use or building. Besides use, non-conformity also exists in area/density (Per section 355.04, gross floor area is limited to 1,480 square feet, 4,515 square feet is proposed), required side yards (Per Section 357.09(b)(2)(B) an interior side yard of 1/4 the height of the building is required and approximately 3 feet provided), and location and number of parking spaces (Per 349.05 parking cannot be within 10 feet of wall of residential structure, and Per 349.04 spaces provided due to improper location of 2 existing/proposed parking spaces). (Filed February 8, 2017 - No Testimony)

First postponement made at the request of the appellant.

**POSTPONED FROM  
JANUARY 17, 2017**

**Withdrawn By The Appellant**  
**Calendar No. 16-311:** 4899 Pearl Road  
(Ward 13)

Old Brooklyn Investment, owner, proposes to expand use of service garage to include used auto sales in a C1 Local Retail Business district. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that used car lot is not permitted in Local Retail District but first permitted in General Retail.

2. Section 352.10 which states that a 4' wide landscape strip is required where the auto sales lot abuts a public street (Pearl Road, Burger Avenue and Bader Avenue).

3. Section 349.04(f) which states that an Auto sales lot must provide a customer parking area equal to 25 percent of their gross lot area.

4. Section 347.11 which states that an Auto Sales lot must be at least 60' in width and the proposed lot width is 53' and 40'.

5. Section 352.10 which states that a 4' frontage strip is required where the auto sales lot abuts a public street and none proposed.

6. Sections 352.08 through 352.11 which state that an 8' wide transition strip is required at the rear where the lot abuts a One Family District. (Filed December 9, 2016 - No Testimony)

First postponement made at the request of the Councilman.

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, APRIL 10, 2017**

At the meeting of the Board of Zoning Appeals on Monday, April 10, 2017 the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED:**

**Calendar No. 17-57:** 1853 West 48th Street

Elmhurst Homes LLC., owner, proposes to erect a 2 1/2 story, 1,600 square foot single family house in a B1 Two-Family Residential District.

**Calendar No. 17-60:** 2117 Barber Avenue

Tremont West Development, owner, Sustainable Community Associates, prospective purchaser, propose to erect a parking lot in a C1 Multi-Family District as accessory to an apartment across the street.

**Calendar No. 17-61:** 1328 West 61st Street

Rebecca Philipson proposes to erect a 1,978 square foot, 2 1/2 single family house on a City of Cleveland Land Bank Lot in a B1 Two Family Residential District.

The following appeal was **DENIED:**

**Calendar No. 17-29:** 14209 Triskett Road

Christina Green, owner, proposes to erect an 18' x 22' two story

frame accessory garage with second floor for personal use in a B1 Two Family Residential District.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

**Calendar No. 16-300:** 2325 Elm St, LLC  
2325 Elm Street. Postponed to June 19, 2017.

**Calendar No. 17-42:** Perotti Co. LLC  
11905 Mayfield Road. Postponed to May 1, 2017.

**Calendar No. 17-58:** Desmond Johnson & Renee Witcher-Johnson  
9402 Rosewood Avenue. Postponed to May 1, 2017.

The following cases were heard by the Board of Zoning Appeals on Monday, April 3, 2017 and the decisions were adopted and approved on Monday, April 10, 2017:

The following cases were **APPROVED:**

**Calendar No. 17-19:** 1572 East 66th Street

JASCORE 2 LLC., owner, and Robert Zimmer, prospective purchaser, propose to rehab building and parking lot and change the use to a soda fountain, with retail merchandise on the first level and radio studio with a museum/exhibit space on the second level in a C1 Local Retail Business District.

**Calendar No. 17-53:** 5151 Pearl Road

O'Reilly Auto Enterprises, owner, proposes to construct a new retail store for sale of automobile parts and supplies and parking lot in a B3 Semi-Industrial District.

**Calendar No. 17-55:** 12739 Lorain Avenue

Assad's Bakery, owner, proposes to construct a parking lot in a C2 General Retail Business District and an Urban Form Overlay District (UFO).

**Calendar No. 17-56:** 12815 Lorain Avenue

Assad's Bakery, owner, proposes to construct a parking lot in a C2 General Retail Business District and an Urban Form Overlay District (UFO).

Secretary

**REPORT OF THE BOARD  
OF BUILDING STANDARDS  
AND BUILDING APPEALS**

Re: Report of the Meeting of  
April 5, 2017

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

given for publication in the City Record:

\* \* \*

**Docket A-13-17.**

RE: Appeal of Bobby Jackson, Owner of the Residential Property, located on the premises known 10515 Sandusky Avenue from a LIMITATION ON THE PERMITS, dated July 20, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until October 1, 2017 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-17-17.**

RE: Appeal of Jen-ZW Ohio Partners LLP, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 15701 Waterloo Road (Rear) (aka 15703 Waterloo Road) from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated December 21, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 1, 2017 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-19-17.**

RE: Appeal of ZGC Properties, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 1434 East 112th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & SHED, dated December 30, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until May 1, 2017 to submit a plan to the Building Department for approval, and until October 1, 2017 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

\* \* \*

**Docket A-20-17.**

RE: Appeal of David A. Heppner, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Masonry Walls/Wood Floors Property, located on the premises known as 3937 West 157th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated January 3, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 1, 2017 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-21-17.**

RE: Appeal of Clifton D. Clark Sr., Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame and One Story Garage — Detached; Wood Frame Property, located on the premises known as 1723 Burgess Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 18, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for additional time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

\* \* \*

**Docket A-23-17.**

RE: Appeal of Miljo Popovic, Owner of the One Story Frame Property, located on the premises known as 6811 Fullerton Avenue from a CONDEMNATION ORDER — GARAGE, dated December 12, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, that after reviewing the condition of the property, a motion is in order at this time to DENY the Appellant's appeal request for additional time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

**Docket A-24-17.**

RE: Appeal of NexFinder LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 3431 West 91st Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated December 30, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-24-17 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-25-17.**

RE: Appeal of Debra B. Wagner, Owner of the MXD Uses — Multiple Uses In One Building wo Story Masonry Property, located on the premises known as 4004 Lorain Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 9, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to obtain all required permits by May 1, 2017, and to complete abatement of the violations by June 1 2017; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-26-17.**

RE: Appeal of Monique Allen-Story, Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property, located on the premises known as 14609 Hale Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated December 30, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that based upon the evidence presented, the Appellant did pay for a permit which was not obtained by the contractor, and that the contractor will be cited for not obtaining a permit, and that the Appellant is held harmless, and to grant the Appellant until June 1, 2017 to finish the repairs to the fence; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

\* \* \*

**Docket A-47-17.**

RE: Appeal of Demarris Winters, Owner of the Property, located on the premises known as 1055 Ivanhoe

Road from an ADJUDICATION ORDER, dated February 24, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for temporary water and sewer and to require that the Appellant comply with the requirements of the Codified Ordinances of the City of Cleveland for this type of facility to have permanent connections of water and sewer. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-11-17 — Kamcor Realty Co.
A-14-17 — Jan Bis
A-15-17 — Mohammad Damra
A-16-17 — John Kautzman
A-18-17 — Abdulla M. Abdulla

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

\* \* \*

**APPROVAL OF MINUTES:**

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

March 22, 2017

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

\* \* \*

JOSEPH F. DENK
Chairman

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City



Hall, in accordance with the append 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, APRIL 20, 2017

**File No. 40-17 — Purchase of General Motors and Chevrolet Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, APRIL 13, 2017 AT 11:00 A.M. 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OHIO 44105.

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

**File No. 41-17 — Purchase of Peterbilt and McNeilus Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, APRIL 13, 2017 AT 10:30 A.M. 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OHIO 44105.

\*NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE

COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

**File No. 42-17 — Purchase of Various Packer Body Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, APRIL 13, 2017 AT 10:00 A.M. 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OHIO 44105.

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

**File No. 43-17 — Purchase of Elgin Street Sweeper Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, APRIL 13, 2017 AT 11:30 A.M. 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OHIO 44105.

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

April 5, 2017 and April 12, 2017

THURSDAY, APRIL 27, 2017

**File No. 44-17 — 2017 Citywide Sale and Disposition of Assets**, for the Division of Information Technology and Services, Department of Finance, as authorized by Ordinance No. 934-91, passed by the Council of the City of Cleveland, May 20, 1991.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, APRIL 18, 2017 AT 11:00 A.M. THE DIVISION OF INFORMATION TECHNOLOGY AND SERVICES, 205 WEST SAINT CLAIR AVENUE, ITS CONFERENCE ROOM, CLEVELAND, OHIO 44113.

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

**File No. 45-17 — West 73rd Street Rehabilitation - Detroit to Father Frascati**, for the Division of Engineering and Construction, Office of Capital Projects, as authorized by Ordinance No. 999-14, passed by the Council of the City of Cleveland, August 20, 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 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, MONDAY, APRIL 17, 2017 AT 10:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

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

April 5, 2017 and April 12, 2017

FRIDAY, APRIL 28, 2017

**File No. 38-17 — Labor and Materials Necessary to Repair and Maintain Combination Sewer and Catch Basin Cleaning Trucks**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, APRIL 18, 2017 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

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

**File No. 39-17 — Labor and Materials Necessary to Repair and Maintain Plate Trucks**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, APRIL 18, 2017 AT 10:30 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

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

April 5, 2017 and April 12, 2017

FRIDAY, APRIL 28, 2017

**File No. 46-17 — Pothole Repairs**, for the Division of Streets, Department



of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, APRIL 21, 2017 AT 10:00 A.M. 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OHIO 44105.  
 NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

April 12, 2017 and April 19, 2017

**FRIDAY, MAY 5, 2017**

**File No. 48-17 — Labor and Materials Necessary to Repair and Maintain Decorative and Special Lighting on Bridges and the Wyland Whale Mural Park**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1277-

16, passed by the Council of the City of Cleveland, November 28, 2016. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, APRIL 21, 2017 AT 10:00 A.M. CLEVELAND PUBLIC POWER, THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CONFERENCE ROOM A, CLEVELAND, OHIO 44114.  
 NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

April 12, 2017 and April 19, 2017

**FRIDAY, MAY 12, 2017**

**File No. 47-17 — Various Recreation Center Improvements - Roof Replacement and Water Intrusion Repairs**, for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance No. 732-14,

passed by the Council of the City of Cleveland, June 9, 2014. THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS). THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, APRIL 20, 2017 AT 10:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OHIO 44114.  
 NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

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

April 12, 2017 and April 19, 2017

**ADOPTED RESOLUTIONS  
AND ORDINANCES**

**REPRINT**

**Ord. No. 189-17.  
By Council Member Kelley  
(by departmental request).**

**An emergency ordinance to amend Section 30 and Section 35 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 Section 30 of Ordinance No. 323-15, passed March 30, 2015, is amended to read as follows:

**Section 30.** 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. Animal Adoption/Volunteer Coordinator .....	\$20,800.00	\$48,231.90
2. Assessments Analyst .....	20,800.00	56,638.27
2a. Assistant Buyer .....	28,722.00	47,300.00
3. Budget Analyst.....	20,800.00	58,534.37
4. Buyer .....	20,800.00	53,516.01
5. Canine Enrichment Specialist .....	31,000.00	37,440.00
6. Civil Service Examiner II .....	20,800.00	53,765.27
7. Civil Service Examiner III .....	20,800.00	66,723.40
8. Civil Service Examiner IV.....	20,800.00	68,738.45
9. Docket Clerk.....	20,800.00	40,109.95
10. Junior Personnel Assistant .....	20,800.00	43,469.45
11. Legal Secretary.....	20,800.00	50,700.42
12. Mailing Specialist .....	20,800.00	55,734.65
13. Misdemeanor Investigator .....	20,800.00	52,489.70
14. Office Manager .....	20,800.00	54,845.04
15. Paralegal.....	20,800.00	48,254.00
16. Personnel Assistant.....	20,800.00	52,381.41
17. Private Secretary to Director.....	20,800.00	52,504.47
17a. Risk Associate I.....	42,640.00	56,680.00
18. Senior Personnel Assistant .....	20,800.00	55,388.98

**Section 2.** That existing Section 30 of Ordinance No. 323-15, passed March 30, 2015, is repealed.

**Section 3.** That Section 35 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 1022-16, passed September 26, 2016, is amended to read as follows:

**Section 35.** That the 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. Aging Services Administrator.....	\$27,325.56	\$96,798.67
2. Air Pollution Control, Engineer IV .....	20,800.00	69,713.09

3.	Airport Safety Shift Commander .....	20,800.00	79,225.56
4.	Assistant Administrator.....	20,800.00	72,000.00
5.	Assistant Aging Services Administrator.....	20,800.00	68,738.75
6.	Assistant Manager of Marketing.....	20,800.00	64,468.16
7.	Assistant Security Manager.....	20,800.00	68,175.93
8.	Central Payroll Supervisor.....	20,800.00	92,276.53
9.	Chief Building Inspector.....	20,800.00	75,084.85
10.	Chief Electrical Inspector .....	20,800.00	75,084.85
11.	Chief Elevator Inspector.....	20,800.00	75,084.85
12.	Chief Heating Inspector.....	20,800.00	75,084.85
13.	Chief Rehabilitation Supervisor.....	20,800.00	79,225.56
14.	Chore Services Coordinator.....	20,800.00	57,417.83
15.	Contract Supervisor - Division of Purchases and Supplies.....	20,800.00	69,383.29
16.	Data Processing Supervisor.....	20,800.00	64,468.16
17.	Deputy Central Payroll Supervisor.....	20,800.00	69,668.31
18.	Manager of Public Utilities - Building Maintenance....	20,800.00	86,124.77
19.	Performance Auditor.....	40,000.00	90,000.00
20.	Quality Control Inspector.....	25,000.00	65,000.00
21.	Senior Systems Analyst.....	20,800.00	87,543.86
22.	Shift Supervisor Operations.....	20,800.00	64,468.16
23.	Superintendent of Distribution .....	20,800.00	79,972.99
24.	Superintendent of Purchase Power.....	27,325.56	102,352.02
25.	Supervising Tax Auditor .....	20,800.00	67,000.00
26.	Supervisor of Civil Service Records.....	20,800.00	64,468.16

**Section 4.** That existing Section 35 of Ordinance No. 323-15, passed March 30, 2015, as amended by Ordinance No. 1022-16, passed September 26, 2016, is repealed.

**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 March 20, 2017.

Effective March 21, 2017.

**Res. No. 325-17.**

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

**An emergency resolution calling upon the Ohio Department of Health to fully restore Ryan White Part B funding for fiscal year 2017-2018 to the AIDS Taskforce of Greater Cleveland.**

Whereas, recently the AIDS Taskforce of Greater Cleveland (ATGC) was given verbal notice that in the next 30 days it will not continue to receive Ryan White Part B funding; and

Whereas, this notification from the Ohio Department of Health comes without any written justification in response to the ATGC's strong and competitive application for Ryan White Part B funding; and

Whereas, for nearly 35 years, the ATGC has served the greater Cleveland metropolitan area with excellence in community and public health service; and

Whereas, despite fluctuating government support, the ATGC has tirelessly advocated for and served thousands of people living with HIV/AIDS who are often the most vulnerable people because they are often sick, uninsured, marginalized or indigent; and

Whereas, without the Ryan White Part B funding, the ATGC will lose at least nine full-time case management positions with an average of 10-15 years' experience;

Whereas, the health and welfare of some 350 clients of ATGC will be negatively impacted as they will no longer be able to get the compassion

and care provided by the ATGC, which includes continuity of care in one location, assistance in accessing life sustaining treatment, navigating medical insurance eligibility; 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 calls upon the Ohio Department of Health to fully restore Ryan White Part B funding for fiscal year 2017-2018 to the AIDS Taskforce of Greater Cleveland.

**Section 2.** That the Clerk of Council is directed to provide copies of this resolution to Richard Hodges, Director of the Ohio Department of Health; Dr. Mary DiOrio, Medical Director, the Ohio Department of Health; Katherine Shumate, Ryan White Part B Administrator and HIV Care Services Section Administrator, Ohio Department of Health; Laurie Rickert, Administrator of Community Based Programs of the Ohio Department of Health; and the AIDS Taskforce of Greater Cleveland.

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

Adopted April 3, 2017.

Effective April 5, 2017.

**Res. No. 367-17.**

**By Council Member Dow.**

**An emergency resolution withdrawing objection to a New C2 Liquor Permit at 1268-72 East 61st Street and repealing Resolution No. 748-16, objecting to said permit.**

Whereas, this Council objected to a New C2 Liquor Permit at H M A K, LLC & 6029 Superior Avenue, 1268-72 East 61st Street, Cleveland, Ohio 44103, Permanent Number 3471690 by Resolution No. 748-16 adopted by the Council on June 6, 2016; and

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

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

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

**Section 1.** That objection to a New C2 Liquor Permit at H M A K, LLC & 6029 Superior Avenue, 1268-72 East 61st Street, Cleveland, Ohio 44103, Permanent Number 3471690, be and the same is hereby withdrawn and Resolution No. 748-16, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

and after the earliest period allowed by law.

Adopted April 3, 2017.  
Effective April 5, 2017.

**Res. No. 368-17.**

**By Council Member Kazy.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 4382 West 130th Street.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from R & Bee, Inc., DBA Rons Mini Mart, 4382 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7148574 to Brooklyn To Cleveland, LLC, 4382 West 130th Street, Cleveland, Ohio 44135, Permanent Number 0978522; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from R & Bee, Inc., DBA Rons Mini Mart, 4382 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7148574 to Brooklyn To Cleveland, LLC, 4382 West 130th Street, Cleveland, Ohio 44135, Permanent Number 0978522; 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 3, 2017.  
Effective April 5, 2017.

**Res. No. 369-17.**

**By Council Member McCormack.**

**An emergency resolution withdrawing objection to the transfer of location of a D5 and D6 Liquor Permit at 1437 St. Clair Avenue and repealing Resolution No. 147-17, objecting to said transfer.**

Whereas, this Council objected to the transfer of location of a D5 and D6 Liquor Permit to Medusa Restaurant & Lounge, LLC, 1437 St. Clair Avenue, Cleveland, Ohio 44114, Permanent No. 5805794 by Resolution No. 147-17 adopted by the Council on February 6, 2017; and

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

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

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

**Section 1.** That objection to the transfer of location of a D5 and D6 Liquor Permit to Medusa Restaurant & Lounge, LLC, 1437 St. Clair Avenue, Cleveland, Ohio 44114, Permanent No. 5805794, be and the same is hereby withdrawn and Resolution No. 147-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 3, 2017.  
Effective April 5, 2017.

**Res. No. 373-17.**

**By Council Member Conwell.**

**An emergency resolution objecting to a New C1 Liquor Permit at 7914-16 St. Clair Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at California Market, Inc., DBA California Market, 7914-16 St. Clair Avenue, Cleveland, Ohio 44103, Permit Number 11924530005; 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 C1 Liquor Permit at California Market, Inc., DBA California Market, 7914-16 St. Clair Avenue, Cleveland, Ohio 44103, Permit Number 11924530005; 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 3, 2017.  
Effective April 5, 2017.

**Ord. No. 103-17.**

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

**An emergency ordinance authorizing the general fund to receive and use revenue from tax remittances collected by Cleveland Public Power during the years 2017 and 2018 and transfer 50% of tax receipts collected in both years back to Cleveland Public Power.**

Whereas, under Ordinance No. 910-98, passed February 14, 2000, this Council authorized, among other things, that Cleveland Public Power shall receive from the general fund an



amount equal to eighty-five percent (85%) of the tax remittances due the City collected by Cleveland Public Power under Section 5727.81 of the Revised Code; and

Whereas, under Ordinance No. 1886-02, passed October 28, 2002, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2003; and

Whereas, under Ordinance No. 2088-03, passed October 27, 2003, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2004; and

Whereas, under Ordinance No. 2197-04, passed January 10, 2005, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2004; and

Whereas, Ordinance No. 2068-05, passed November 21, 2005, repealed a portion of Ordinance No. 1886-02 relating to the increase in incremental charges and collection of tax remittances described in Ordinance No. 910-98; and

Whereas, under Ordinance No. 158-06, passed March 20, 2006, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2005; and

Whereas, under Ordinance No. 1842-06, passed February 5, 2007, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2006; and

Whereas, under Ordinance No. 1768-07, passed December 10, 2007, this Council directed that the general fund shall retain 50% of the tax remittances collected by Cleveland Public Power during 2007, and 50% of the tax remittances shall be transferred to Cleveland Public Power on an annual basis; and

Whereas, under Ordinance No. 1248-09, passed September 28, 2009, this Council directed that the General Fund retains all of the tax remittances collected by Cleveland Public Power during 2009 and 2010; and

Whereas, under Ordinance No. 1560-10, passed November 29, 2010, this Council directed the retention and use of revenue by the general fund from tax remittance collected by Cleveland Public Power during the years 2011 and 2012; and

Whereas, under Ordinance No. 193-13, passed March 18, 2013, this Council directed the retention and use of revenue by the general fund from tax remittance collected by Cleveland Public Power during the years 2013 and 2014; and

Whereas, under Ordinance No. 1350-14, passed December 1, 2014, this Council directed the retention and use of revenue by the general fund from tax remittance collected by Cleveland Public Power during the years 2015 and 2016; and

Whereas, legislative authority is necessary to clarify that the general fund shall receive all tax remittances collected by Cleveland Public Power during 2017 and 2018 and transfer 50% of the tax receipts collected in 2017 and 2018 back to Cleveland Public Power; 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 as an exception to Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, partially repealed by Ordinance No. 2068-05, passed November 21, 2005; Ordinance No. 2088-03, passed October 27, 2003; Ordinance No. 2197-04, passed January 10, 2005; Ordinance No. 158-06, passed March 20, 2006; Ordinance No. 1842-06, passed February 5, 2007; Ordinance No. 1768-07, passed December 10, 2007; Ordinance No. 1248-09, passed September 28, 2009; Ordinance No. 1560-10, passed November 29, 2010; Ordinance No. 193-13, passed March 18, 2013, and Ordinance No. 1350-14, passed December 1, 2014, the general fund shall receive all tax remittances collected under Section 5727.81 of the Revised Code during calendar years 2017 and 2018 and shall transfer 50% of the tax receipts collected in 2017 and 2018 back to Cleveland Public Power.

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

Passed April 3, 2017.

Effective April 5, 2017.

**Ord. No. 110-17.**  
**By Council Member Mitchell.**

**An emergency ordinance designating Buckeye Road between East 93rd Street and Martin Luther King Drive with a secondary and honorary designation of "Dr. Earl Preston Way".**

Whereas, the late Reverend, Dr. Earl Preston, Jr, served thirty-five years as Pastor of Morning Star Baptist Church in Cleveland; and,

Whereas, Dr. Preston was a great pioneer and legend in the music industry, not only in Cleveland, but throughout these United States; and,

Whereas, he was also a highly respected innovator, leader, preacher, and a pillar of this community who touched and changed many lives; and

Whereas, a ceremony will be held to honor Dr. Preston at Morning Star Baptist Church on Friday, April 28, 2017; and

Whereas, the citizens of Cleveland want to honor Dr. Earl Preston, Jr. with a street sign designation of "Dr. Earl Preston Way" in recognition of his many contributions to our community; and,

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

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

**Section 1.** That Buckeye Road between East 93rd Street and Martin Luther King Drive is designated with a secondary and honorary designation of "Dr. Earl Preston, Jr."

**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 adoption 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 3, 2017.

Effective April 5, 2017.

**Ord. No. 134-17.**

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

**An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. RC 2015-56 with Rexel, Inc. to maintain and replace components of the SCADA and PCCS water plant systems which are manufactured by Rockwell Automation Inc.**

Whereas, under the authority of Ordinance No. 796-14, passed July 16, 2014, the Director of Public Utilities entered into Contract No. RC 2015-56 with Rexel, Inc. to provide for labor, training, and materials necessary to maintain and replace components of the SCADA and PCCS Systems manufactured by Rockwell Automation, including replacement parts, switchgear, motor control center components, equipment, computer software, software upgrades, support software, software implementation, system changes, configurations, programming, tuning, upgrades, services and support and maintenance necessary for the operation of the systems; and

Whereas, Ordinance No. 796-14 requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Public Utilities is authorized to exercise the first option to renew Contract No. RC 2015-56 for an additional year in the approximate amount of \$100,000.00, for the requirements for an additional year to provide for labor, training, and materials necessary to maintain and replace components of the SCADA and PCCS Systems manufactured by Rockwell Automation, including replacement parts, switchgear, motor control center components, equipment, computer software, software upgrades, support software, software implementation, system changes, configurations, programming, tuning, upgrades, services and support and maintenance necessary for the operation of the systems. This ordinance constitutes the additional legislative authority required by Ordinance No. 796-14 to exercise this option. (RQN 2002, RL 2017-1)

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

Passed April 3, 2017.

Effective April 5, 2017.

**Ord. No. 166-17.**  
**By Council Members Pruitt and Kelley (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the Cleveland Youth Summer Employment Program and authorizing one or more contracts with public agencies to implement the Youth Summer Employment Program, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities.**

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 Youth Opportunities Unlimited for the administration, implementation, and management of the Cleveland Youth Summer Employment Program, which include various projects for a period of one year, with a one-year option to renew exercisable by the Director of Public Utilities. If arranged by the Director of Public Utilities through negotiations with suburban communities, then youth summer employment opportunities may include activities in those communities.

**Section 2.** That the Director of Public Utilities is authorized to enter into one or more contracts with public agencies to implement the Youth Summer Employment Program which include various projects for a period of one year, with one option to renew for an additional one year period, exercisable by the Director of Public Utilities.

**Section 3.** That the cost of the contract or contracts authorized shall be paid from Fund Nos. 52 SF 001 and 54 SF 001, Request No. RQS 2002, RL 2017-8.

**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 3, 2017.  
 Effective April 5, 2017.

**Ord. No. 190-17.**  
**By Council Members Pruitt and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. RC 2016-61 with Mr. Excavator, Inc. for various types of fencing, gate operators, gates, guardrails, including associated appurtenances, and labor and materials necessary to repair or maintain existing equipment and appurtenances, including installation if necessary, for the various divisions of the Department of Public Utilities.**

Whereas, under the authority of Ordinance No. 567-13, passed May 6, 2013, the Director of Public Utilities

entered into Contract No. RC 2016-61 with Mr. Excavator, Inc. for various types of fencing, gate operators, gates, guardrails, including associated appurtenances, and labor and materials necessary to repair or maintain existing equipment and appurtenances, including installation if necessary at various divisions of the Department of Public Utilities; and

Whereas, Ordinance No. 567-13 requires further legislation before exercising the first of two options to renew this contract for a term 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 Utilities is authorized to exercise the first of two options to renew Contract No. RC 2016-61 for an additional year in the approximate amount of \$590,000.00, with Mr. Excavator, Inc. for the requirements for an additional year of labor and materials for various types of fencing, gate operators, gates, guardrails, including associated appurtenances, and labor and materials necessary to repair or maintain existing equipment and appurtenances, including installation if necessary, for the various divisions of the Department of Public Utilities. This ordinance constitutes the additional legislative authority required by Ordinance No. 567-13 to exercise this option. (RQN 2004, RL 2017-8)

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

Passed April 3, 2017.  
 Effective April 5, 2017.

**Ord. No. 195-17.**  
**By Council Members Kazy, K. Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned air-rights interest no longer needed for the City's public use located at 13405 Lakewood Heights Boulevard, to Horizon Education Centers, or its designee, for purposes of constructing and operating a daycare center, including a parking and playground area.**

Whereas, the City of Cleveland holds air-rights interest in a portion of Permanent Parcel No. 021-08-001, the Greater Cleveland Regional Transit Authority ("RTA") Triskett Rapid Transit Station Property, located at 13405 Lakewood Heights Boulevard; and

Whereas, Horizon Education Centers, or its designee, wishes to purchase the City of Cleveland's air-rights interest in the property so that it can have clear title in order to construct and operate a daycare center, including a parking and playground area; and

Whereas, the Director of Public Works has requested the sale of the City-owned air-rights interest to Horizon Education Centers, or its designee (the "Redeveloper") no longer needed for the City's public use and located at 13405 Lakewood Heights Boulevard for purposes of development; 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 notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the air-rights interest in the following described property is no longer needed for the City's public use:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original Rockport Township Section No. 20 and being part of Consolidation Parcel as shown on Consolidation Plat recorded in Volume 304, Page 26 of the Cuyahoga County Map Records. Also being part of the land conveyed to Greater Cleveland Regional Transit Authority as recorded in Volume 13869, Page 547 of the Cuyahoga County Records being more definitely described as follows:

Commencing at a MAG nail set at the intersection of the centerline of West 139th Street (50 feet wide) and the centerline of Triskett Road (width varies);

Thence, along the centerline of Triskett Road, North 75° 45' 35" East, 385.12 feet;

Thence, leaving said centerline, North 14° 14' 25" West, 40.00 feet to an iron pin set in the northerly right of way of Triskett Road and the True Point of Beginning for the parcel herein described;

Thence, leaving said northerly right of way, along the arc of a curve which deflects to the right, 75.91 feet to an iron pin set, said curve having a radius of 32.00 feet, a central angle of 135° 54' 40", and a chord of 59.32 feet which bears North 36° 17' 05" West;

Thence North 31° 40' 15" East, 446.72 feet to a MAG nail set;

Thence, South 58° 31' 20" East, 255.51 feet to an iron pin set in the westerly line of land conveyed to the Norfolk Southern Railway Company as recorded in AFN 200208200162 of the Cuyahoga County Records;

Thence, along Norfolk Southern Railway Company's westerly line the following two courses;

Along the arc of a curve which deflects to the right, 62.33 feet to an iron pin set, said curve having a radius of 7613.49 feet, a central angle of 00° 28' 09", and a chord of 62.33 feet which bears South 31° 26' 11" West;

Thence, South 31° 40' 15" West, 200.25 feet to an iron pin set in the northerly right of way of Triskett Road;

Thence, along the northerly right of way of Triskett Road, South 75° 45' 35" West, 288.57 feet to the point of beginning.

Containing within said bounds 2.2841 acres (99,494 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in August, 2016.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

The basis of bearings for this survey is the Ohio State Plane, North Zone NAD83 (2011) Grid North.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described air-rights interest to the Redeveloper at a price not less than \$1,000 which is determined to be fair market value after appraisal, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance including a requirement that air rights will revert back to City if land rights are not transferred to Horizon Education Centers, or its designee, within six months of sale of City's air rights.

**Section 3.** That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the City's interests and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 4.** That the Director of Public Works is authorized to execute any documents as may be necessary to effectuate the purposes of this ordinance.

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

Passed April 3, 2017.  
Effective April 5, 2017.

**Ord. No. 199-17.**  
**By Council Members Zone and Kelley (by departmental request).**

**An emergency ordinance to supplement Ordinance No. 1023-16, passed October 10, 2016, by adding new Section 7 to authorize an agreement with Cuyahoga County to allow the County to reimburse the City for the cash match paid by the City under the grant; and to renumber existing Section 7 to new Section 8.**

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 Ordinance No. 1023-16, passed October 10, 2016 is supplemented by adding new Section 7 to read as follows:

Section 7. That the Director of Public Safety is authorized to enter into an agreement with Cuyahoga County regarding the County's reimbursement to the City of cash match paid by the City under the grant. The agreement shall contain terms and conditions to protect the

City's interest and shall be approved by the Director of Law. The Director is authorized to accept the funds and to deposit the funds into the fund or subfunds deemed appropriate by the Director of Finance.

**Section 2.** That existing Section 7 of Ordinance No. 1023-16, passed October 10, 2016, is renumbered to new "Section 8".

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

Passed April 3, 2017.  
Effective April 5, 2017.

**Ord. No. 200-17.**  
**By Council Members Zone and Kelley (by departmental request).**

**An emergency ordinance to amend Section 135.17 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1572-14, passed December 8, 2014, relating to the acceptance of gifts and services for the Division of Animal Care and Control.**

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

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

**Section 1.** That Section 135.17 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1572-14, passed December 8, 2014, is amended to read as follows:

**Section 135.17 Acceptance of Gifts and Services for the Division of Animal Care and Control**

The Director of Public Safety is authorized to accept, with the grateful appreciation of the City, the funds, other personal properties, and services unconditionally given as may from time to time be donated for the use and benefit of the Division of Animal Care and Control.

The Director of Public Safety is authorized, as part of general fundraising efforts for the Division of Animal Care and Control, to recognize a donor for their generosity and support by placing the donor's name in the interior of a building owned or operated by the City for the Division of Animal Care and Control and on outdoor animal cages. Donors shall not be conferred any legal right or entitlement to the naming and the Director shall at all times retain sole authority to select the donors to be so honored and the location, manner and duration of the naming. Donor recognition posted on the premises must be approved by the Director of Law. No donor's name shall be affixed to the exterior of a building owned or operated by the City of Cleveland.

**Section 2.** That existing Section 135.17 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1572-14, passed December 8, 2014, is repealed.

**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the

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

Passed April 3, 2017.  
Effective April 5, 2017.

**Ord. No. 205-17.**  
**By Council Members Pruitt and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. PS 2015-133 with Hylant Group, Inc. to provide professional insurance brokerage services necessary to assess, recommend, and procure fire and extended coverage and real and personal property insurance, including loss control services, risk management program development, and other related services for the Division of Cleveland Public Power's major facilities including 1300 Lakeside Avenue.**

Whereas, under the authority of Ordinance No. 223-15, passed March 23, 2015, the Director of Public Utilities entered into Contract No. PS 2015-133 with Hylant Group, Inc. to provide professional insurance brokerage services necessary to assess, recommend, and procure fire and extended coverage and real and personal property insurance, including loss control services, risk management program development, and other related services for the Division of Cleveland Public Power's major facilities including 1300 Lakeside Avenue; and

Whereas, the Department desires to procure such insurance and services through Hylant Group for the 2017-2018 insurance term; and

Whereas, Ordinance No. 223-15 requires further legislation before exercising the first of two options to renew this contract for a term 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 Utilities is authorized to exercise the first of two options to renew Contract No. PS 2015-133 for an additional year with Hylant Group, Inc. to provide professional insurance brokerage services necessary to assess, recommend, and procure fire and extended coverage and real and personal property insurance, including loss control services, risk management program development, and other related services for the Division of Cleveland Public Power's major facilities including 1300 Lakeside Avenue. Pursuant to Ordinance No. 233-15, the Board of Control shall set the total amount to be paid to Hylant for the base property insurance premium, loss control services (transformer oil testing, thermographic analysis, etc.), terrorism coverage, and brokerage fees related to the renewal term. This ordinance constitutes the additional legislative authority required by Ordinance No. 233-15 to exercise this option. (RQS 2004, RL 2017-22)



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

Passed April 3, 2017.  
Effective April 5, 2017.

**Ord. No. 249-17.**  
**By Council Members Pruitt and Kelley (by departmental request).**

An emergency ordinance determining the method of making the public improvement of replacing the cooling towers, improving the ventilation and windows of a maintenance garage, and replacing boilers and chillers, for the various divisions of the Department of Public Utilities.

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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of replacing the cooling towers at 1201 Lakeside Avenue for the Division of Water, improving the ventilation and windows of the Maintenance Garage for the Division of Water Pollution Control, and replacing boilers and chillers at 1300 Lakeside Avenue for the Division of Cleveland Public Power (the "Improvement"), for the various divisions of the Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

**Section 2.** That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

**Section 3.** That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 4.** That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 54 SF 400, 58 SF 001, 58 SF 230, and from the fund or funds to which are credited the proceeds from the sale of future bonds, if authorized for these purposes, Request No. RQS 2002, RL 2017-21.

**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 3, 2017.  
Effective April 5, 2017.

**Ord. No. 250-17.**  
**By Council Members Pruitt and Kelley (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of disposal of debris at landfills, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years.

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

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

**Section 1.** That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years of the necessary items of disposal of debris at landfills, 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 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2017-9)

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

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

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

Passed April 3, 2017.  
Effective April 5, 2017.

**Ord. No. 284-17.**  
**By Council Members Pruitt and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Public Utilities to enter into a Utilities Repair Agreement with the County of Cuyahoga to pay or reimburse directly related costs incurred by the County for the repair of storm and sanitary sewer lines, on an as-needed basis, for a period not to exceed two years, with one option to renew for an additional one-year period, exercisable by the Director of Public Utilities.

Whereas, the City of Cleveland's Division of Water is responsible for various suburban communities' water lines under Water Service Agreements entered into by the City and multiple suburban communities; and

Whereas, when water mains break or other related water appurtenances break, such breaks can impact the suburban communities' storm and sanitary sewer systems causing damage to said suburban storm and sanitary sewer systems; and

Whereas, the City needs to ensure that the damaged suburban storm and sanitary sewer systems are repaired when the City is repairing the water main break or break in other related water appurtenances at the same time; and

Whereas, the Cuyahoga County Department of Public Works already maintains sewers for several communities in the Division of Water's service area and has special expertise and familiarity in repairing the suburban communities' storm and sanitary sewer distribution systems; and

Whereas, it is the desire of the City and County to enter into a Utility Repair Agreement with the County to allow the County to make the repairs to the suburban communities' storm and sanitary sewer system, on an as-needed basis; and

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

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

**Section 1.** That the Director of Public Utilities is authorized to enter into a Utility Repair Agreement with Cuyahoga County to perform certain storm and sanitary sewer repairs to various suburban communities' storm and sanitary sewer systems in the public right-of-way and easements that are impacted due to water main breaks or other related water appurtenances that break, on an as-needed basis.

**Section 2.** That the term of the agreement shall not exceed two years with one option to renew for an additional one-year period, exercisable by the Director of Public Utilities.

**Section 3.** That the costs of the agreement shall be paid from Fund No. 52 SF 001, RQS 2002, RL 2017-24.

**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 3, 2017.  
Effective April 5, 2017.

**Ord. No. 316-17.**

**By Council Member Brady.**  
**An emergency ordinance rescinding certain parcels from inclusion in the designated Lorain-Variety Local Landmark District.**

Whereas, Lorain Avenue is designated a landmark district between West 110th and West 123rd Streets, known as the Lorain-Variety Local Landmark District, as shown in the map placed in File No. 316-17-A; and

Whereas, Council wishes to rescind certain parcels from inclusion in the Lorain-Variety Local Landmark District, as specified in the map placed in File No. 316-17-B; 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, pursuant to division (b)(9) of Section 161.04 of the Codified Ordinances, Council hereby rescinds from inclusion in the designated Lorain-Variety Local Landmark District the following parcels:

Permanent parcels 021-22-015, 021-22-016, 021-22-017, 021-22-018, 021-22-019, 021-22-020, 021-22-021, 021-22-022, 021-22-023.

**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 3, 2017.  
Effective April 5, 2017.

**Ord. No. 365-17.**

**By Council Member McCormack.**  
**An emergency ordinance consenting and approving the issuance of a permit for the 29th Annual Run/Walk for Hunger on May 13, 2017, sponsored by Hunger Network for Greater Cleveland.**

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 29th Annual Run/Walk for Hunger, start: Great Lakes Science Center at 601 Erieside Avenue; Erieside Avenue east to East 9th Street; East 9th south to Prospect Avenue; Prospect west to Huron Road; Huron west to East 4th Street; East 4th north to Prospect

Avenue; Prospect west to Superior Avenue; Superior west to West 9th Street; West 9th north to Lakeside Avenue; Lakeside east to West 3rd Street; West 3rd north to Erieside Avenue; Erieside east to Great Lakes Science Center and the finish line; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 3, 2017.  
Effective April 5, 2017.

**Ord. No. 370-17.**

**By Council Members McCormack, Mitchell and Kazy.**

**An emergency ordinance amending Sections 1 and 2 of Ordinance No. 931-16, passed August 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 3, 6 and 16 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 Sections 1 and 2 of Ordinance No. 931-16 passed August 10, 2016 are hereby amended to read as follows:

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement effective June 1, 2016 with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) for the public purpose of providing theatre education and training on live arts to city of Cleveland youth through the use of Wards 3, 6 and 16 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$18,500 and shall be paid from Fund No. 10 SF 188.

**Section 2.** That Sections 1 and 2 of Ordinance No. 931-16 passed August 10, 2016 are hereby repealed.

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

Passed April 3, 2017.  
Effective April 5, 2017.

**Ord. No. 371-17.**

**By Council Member Kazy.**  
**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Bellaire Puritas Development Corporation for the Housing Code Enforcement Program through the use of Ward 16 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement effective September 19, 2016 with Bellaire Puritas Development Corporation for the Housing Code Enforcement Program for the public purpose of eliminating slum and blight from city of Cleveland neighborhoods through the use of Ward 16 casino revenue funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$32,000 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 3, 2017.  
Effective April 5, 2017.

**Ord. No. 372-17.**

**By Council Member McCormack.**  
**An emergency ordinance amending the Title and Section 1 of Ordinance No. 1143-16 passed September 26, 2016 as amended by Ordinance No. 1201-16, passed October 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the SPACES for the SPACES Project through the use of Ward 3 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Title and Section 1 of Ordinance No. 1143-16 passed September 26, 2016 as amended by Ordinance No. 1201-16 passed October 10, 2016 are hereby amended as follows:

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with SPACES for the SPACES Arts Education Project through the use of Ward 3 Casino Revenue Funds.

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement with SPACES effective March 3, 2016 for the SPACES Arts Education Project for the public purpose of providing arts education

programming for Cleveland residents through the use of Ward 3 Neighborhood Capital Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1143-16 passed September 26, 2016 as amended by Ordinance No. 1201-16 passed October 10, 2016 are hereby repealed.

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

and after the earliest period allowed by law.

Passed April 3, 2017. Effective April 5, 2017.

COUNCIL COMMITTEE MEETINGS

Monday April 10, 2017 2:00 p.m.

Finance Committee: Present: Kelley, Chair; Cleveland, Vice Chair; Brady, Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone.

Tuesday April 11, 2017 9:30 a.m.

Development, Planning and Sustainability (Zoning) Committee: Present: Brancatelli, Chair; Cummins, Dow, McCormack, Pruitt, Zone. Authorized Absence: Cleveland, Vice Chair.

Development, Planning and Sustainability Committee: Present: Brancatelli, Chair; Cleveland, Vice Chair; Cummins, Dow, McCormack, Pruitt, Zone.

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

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Table listing various agreements with descriptions and page numbers (e.g., Amending Sections 1 and 2 of Ordinance No. 931 16, passed August 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 3, 6 and 16 Casino Revenue Funds. (O 370-17) .556)

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- To supplement Ordinance No. 1023 16, passed October 10, 2016, by adding new Section 7 to authorize an agreement with Cuyahoga County to allow the County to reimburse the City for the cash match paid by the City under the grant; and to renumber existing Section 7 to new Section 8. (O 199-17) .....554

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- To amend Section 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595 13, passed April 29, 2013, relating to exemptions from Admissions Tax; and to authorize the Directors of Finance and Law to enter into an amendment to the Cooperative Agreement between the City and Cuyahoga County dated as of September 15, 1992. (O 305-17) .....537
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To supplement Ordinance No. 1023 16, passed October 10, 2016, by adding new Section 7 to authorize an agreement with Cuyahoga County to allow the County to reimburse the City for the cash match paid by the City under the grant; and to renumber existing Section 7 to new Section 8. (O 199-17) .....554

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Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. PS 2015 133 with Hylant Group, Inc. to provide professional insurance brokerage services necessary to assess, recommend, and procure fire and extended coverage and real and personal property insurance, including loss control services, risk management program development, and other related services for the Division of Cleveland Public Power's major facilities including 1300 Lakeside Avenue. (O 205-17) .....554

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**Lease Agreement**

Authorizing the Director of Port Control to enter into a Lease Agreement with Grain Craft, Inc. fka Cereal Food Processors, Inc. for the lease of certain city owned property generally located at 1635 Merwin Avenue, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 388-17) .....534

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Amending the Title and Section 1 of Ordinance No. 1143 16 passed September 26, 2016 as amended by Ordinance No. 1201 16, passed October 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the SPACES for the SPACES Project through the use of Ward 3 Neighborhood Capital Funds. (O 372-17) .....556

**Northeast Ohio Regional Sewer District ( NEORSD )**

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**Office of Quality Control and Performance Management**

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Authorizing the purchase by one or more requirement contracts of trees, and labor and materials needed for urban forestry services, including but not limited to, maintaining and planting trees, and removing trees, stumps, and tree waste material, for the Division of Park Maintenance and Properties, Department of Public Works, for a period of one year, with a one year option to renew, exercisable by the Director of Public Works. (O 288-17) .....538

**Permits**

Authorizing the Director of Capital Projects to enter into a maintenance, inspection, and repair agreement and to issue an encroachment permit, either separately or in combination with the agreement, to Worthington Yards, LTD to encroach into the public right of way over Johnson Avenue by installing, using, and maintaining two overhead bridges. (O 386-17) .....533

Consenting and approving the issuance of a permit for the 29th Annual Run/Walk for Hunger on May 13, 2017, sponsored by Hunger Network for Greater Cleveland. (O 365-17) .....556

Consenting and approving the issuance of a permit for the Amazing AKA 5K on May 13, 2017, sponsored by the Western Reserve Historical Society. (O 391-17) .....536

**Port Control Department**

Authorizing the Director of Port Control to enter into a Lease Agreement with Grain Craft, Inc. fka Cereal Food Processors, Inc. for the lease of certain city owned property generally located at 1635 Merwin Avenue, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 388-17) .....534

Authorizing the Director of Port Control to enter into a Lease Agreement with Mid Continent Coal and Coke Company for the lease of certain city owned property generally located at 700 Stones Levee Road, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 389-17) .....535

Authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with United Airlines, Inc. for the purchase of two used passenger loading bridges, for the Division of Cleveland Hopkins International Airport, Department of Port Control. (O 387-17) .....534

**Professional Services**

Authorizing the Director of Public Works to employ a management firm to provide managerial services for the daily operations of the roller skating rink located within Zelma Watson George Recreation Center and the concession services of the center, for a period of five years, with five options to renew for additional one year periods, exercisable by the Director of Public Works. (O 252-17) .....537

Authorizing the Director of Public Works to employ one or more professional consultants to provide security services at various indoor and outdoor recreation facilities, including but not limited to, recreation centers, outdoor pools, and various surrounding play areas, for a period not to exceed one year. (O 194-17) .....537

**Public Improvements**

Determining the method of making the public improvement of repairing, constructing, or installing, roadways, bus pads, sidewalks, driveway aprons, curbs, brick streets, ADA compliant curb ramps, minor bridge repairs, and appurtenances, and asphalt resurfacing and asphalt crack sealing; authorizing the Director of Capital Projects to enter into one or more public improvement requirement contracts for the making of the improvement; authorizing the director to apply for and accept any gifts or grants; and authorizing any agreements, for a period not to exceed two years. (O 202-17) .....537

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#### **Public Works**

Authorizing the Director of Public Works to employ a management firm to provide managerial services for the daily operations of the roller skating rink located within Zelma Watson George Recreation Center and the concession services of the center, for a period of five years, with five options to renew for additional one year periods, exercisable by the Director of Public Works. (O 252-17) .....	.537
Authorizing the Director of Public Works to employ one or more professional consultants to provide security services at various indoor and outdoor recreation facilities, including but not limited to, recreation centers, outdoor pools, and various surrounding play areas, for a period not to exceed one year. (O 194-17) .....	.537
Authorizing the Director of Public Works to enter into contract with the Northeast Ohio Muni Football League aka Cleveland Municipal Football Association to conduct a city wide football program. (O 251-17) .....	.537
Authorizing the Director of Public Works to enter into one or more concession agreements for the operation of a first class food and beverage service at the Cleveland City Hall Cafeteria, for a period not to exceed two years, with a one year option to renew, exercisable by the Director of Public Works. (O 285-17) .....	.537
Authorizing the Director of Public Works to enter into one or more license agreements with the Northeast Ohio Regional Sewer District, to install and maintain a data sonde station in Doan Brook on City owned property in Rockefeller Park and at other locations. (O 193-17) .....	.537
Authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year. (O 390-17) .....	.535
Authorizing the purchase by one or more requirement contracts of trees, and labor and materials needed for urban forestry services, including but not limited to, maintaining and planting trees, and removing trees, stumps, and tree waste material, for the Division of Park Maintenance and Properties, Department of Public Works, for a period of one year, with a one year option to renew, exercisable by the Director of Public Works. (O 288-17) .....	.538

#### **Purchases and Supplies Division**

Authorizing the Commissioner of Purchases and Supplies to sell City owned air rights interest no longer needed for the City's public use located at 13405 Lakewood Heights Boulevard, to Horizon Education Centers, or its designee, for purposes of constructing and operating a daycare center, including a parking and playground area. (O 195-17) .....	.553
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#### **Races**

Consenting and approving the issuance of a permit for the 29th Annual Run/Walk for Hunger on May 13, 2017, sponsored by Hunger Network for Greater Cleveland. (O 365-17) .....	.556
Consenting and approving the issuance of a permit for the Amazing AKA 5K on May 13, 2017, sponsored by the Western Reserve Historical Society. (O 391-17) .....	.536

#### **Recognition**

Recognition Resolution for Mary's Fight Foundation (R 402-17) .....	.532
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#### **Recreation Centers**

Authorizing the Director of Public Works to employ one or more professional consultants to provide security services at various indoor and outdoor recreation facilities, including but not limited to, recreation centers, outdoor pools, and various surrounding play areas, for a period not to exceed one year. (O 194-17) .....	.537
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#### **Resolution of Support**

Calling upon the Ohio Department of Health to fully restore Ryan White Part B funding for fiscal year 2017 2018 to the AIDS Taskforce of Greater Cleveland. (R 325-17) .....	.550
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#### **Rotunda**

Authorizing the Director of Public Works to enter into one or more concession agreements for the operation of a first class food and beverage service in connection with renting the Rotunda in City Hall and for marketing the rental of the Rotunda for catered events, for a period not to exceed two years, with a one year option to renew, exercisable by the Director of Public Works. (O 286-17) .....	.537
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**Safety Department**

To amend Section 135.17 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1572 14, passed December 8, 2014, relating to the acceptance of gifts and services for the Division of Animal Care and Control. (O 200-17) .....554

To supplement Ordinance No. 1023 16, passed October 10, 2016, by adding new Section 7 to authorize an agreement with Cuyahoga County to allow the County to reimburse the City for the cash match paid by the City under the grant; and to renumber existing Section 7 to new Section 8. (O 199-17) .....554

To amend Section 30 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 189-17) .....549

**Salaries**

To amend Section 32 of Ordinance No. 323 15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications. (O 318-17) .....538

To amend Section 40 of Ordinance No. 323 15, passed March 30, 2015, as amended by various ordinances, relating to compensation for various classifications. (O 385-17) .....532

To amend Section 8 of Ordinance No. 323 15, passed March 30, 2015, as amended, relating to compensation for various classifications. (O 359-17) .....538

To amend Sections 7, 13, and 16 of Ordinance No. 323 15, passed March 30, 2015, as amended by Ordinance No. 491 15, passed May 4, 2015, relating to compensation for various classifications. (O 358-17) .....538

To amend Section 30 of Ordinance No. 323-15, passed March 30, 2015, relating to compensation for various classifications. (O 189-17) .....549

**Street Vacation**

Declaring the intent to vacate a portion of Lorain Court and West 48th Place. (R 204-17) .....538

**Streets - Name**

Designating Buckeye Road between East 93rd Street and Martin Luther King Drive with a secondary and honorary designation of "Dr. Earl Preston Way". (O 110-17) .....552

Designating Buckeye Road between Woodhill Road and Martin Luther King Drive with a secondary and honorary designation of "Dr. Earl Preston Way"; and repealing Ordinance No. 110-17, passed April 3, 2017, that designated Buckeye Road between East 93rd Street and Martin Luther King Drive with a secondary and honorary designation of "Dr. Earl Preston Way". (O 398-17) .....535

**Streets Division**

Authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year. (O 390-17) .....535

**Summer Employment Program**

Authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the Cleveland Youth Summer Employment Program and authorizing one or more contracts with public agencies to implement the Youth Summer Employment Program, for a period of one year, with a one year option to renew, exercisable by the Director of Public Utilities. (O 166-17) .....553

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Authorizing the general fund to receive and use revenue from tax remittances collected by Cleveland Public Power during the years 2015 and 2016 and transfer 50% of tax receipts collected in both years back to Cleveland Public Power. (O 103-17) .....551

**Utilities Department**

Authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the Cleveland Youth Summer Employment Program and authorizing one or more contracts with public agencies to implement the Youth Summer Employment Program, for a period of one year, with a one year option to renew, exercisable by the Director of Public Utilities. (O 166-17) .....553

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. RC 2015 56 with Rexel, Inc. to maintain and replace components of the SCADA and PCCS water plant systems which are manufactured by Rockwell Automation Inc. (O 134-17) .....552

Authorizing the purchase by one or more requirement contracts of disposal of debris at landfills, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 250-17) .....555

Determining the method of making the public improvement of replacing the cooling towers, improving the ventilation and windows of a maintenance garage, and replacing boilers and chillers, for the various divisions of the Department of Public Utilities. (O 249-17) .....555

**Ward 01**

Congratulations Resolution for Ida Sue Laster Morgan (R 401-17) .....532

**Ward 03**

#0261879. Economic Development Transfer Application, D1 D2 D6. Aringa2 LLC, 2144 West 25th St. (Ward 3). (F 381-17) .....531

#52023680005. New License Application, D3. Lilly Handmade Chocolates, Inc. 761 Starkweather Ave. (Ward 3). (F 382-17) .....531

#7149234. New License Application, D5J. RF Restaurants II LLC, 1109 Old River Rd. (Ward 3). (F 394-17) .....531

Amending Sections 1 and 2 of Ordinance No. 931 16, passed August 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 3, 6 and 16 Casino Revenue Funds. (O 370-17) .....556

Amending the Title and Section 1 of Ordinance No. 1143 16 passed September 26, 2016 as amended by Ordinance No. 1201 16, passed October 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the SPACES for the SPACES Project through the use of Ward 3 Neighborhood Capital Funds. (O 372-17) .....556

Authorizing the Director of Port Control to enter into a Lease Agreement with Grain Craft, Inc. fka Cereal Food Processors, Inc. for the lease of certain city owned property generally located at 1635 Merwin Avenue, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 388-17) .....534

Authorizing the Director of Port Control to enter into a Lease Agreement with Mid Continent Coal and Coke Company for the lease of certain city owned property generally located at 700 Stones Levee Road, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 389-17) .....535

Consenting and approving the issuance of a permit for the 29th Annual Run/Walk for Hunger on May 13, 2017, sponsored by Hunger Network for Greater Cleveland. (O 365-17) .....556

Declaring the intent to vacate a portion of Lorain Court and West 48th Place. (R 204-17) .....538

Withdrawing objection to the transfer of location of a D5 and D6 Liquor Permit at 1437 St. Clair Avenue and repealing Resolution No. 147-17, objecting to said transfer. (R 369-17) .....551

**Ward 05**

#2714519. New License Application, C1. Fifty Five Deli, Inc., 2288 East 55th St. (Ward 5). (F 397-17) .....531

#7148229. New License Application, C1. R Town Grocery, Inc., 5611 Woodland Ave. (Ward 5). (F 383-17) .....531

Authorizing the Director of the Department of Community Development to enter into an agreement with Burten, Bell, Carr Development Inc. for the Holiday Food Gift Card Program through the use of Ward 5 Casino Revenue Funds. (O 393-17) .....536

**Ward 06**

Amending Sections 1 and 2 of Ordinance No. 931 16, passed August 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 3, 6 and 16 Casino Revenue Funds. (O 370-17) .....556

Designating Buckeye Road between East 93rd Street and Martin Luther King Drive with a secondary and honorary designation of "Dr. Earl Preston Way". (O 110-17) .....552

Designating Buckeye Road between Woodhill Road and Martin Luther King Drive with a secondary and honorary designation of "Dr. Earl Preston Way"; and repealing Ordinance No. 110-17, passed April 3, 2017, that designated Buckeye Road between East 93rd Street and Martin Luther King Drive with a secondary and honorary designation of "Dr. Earl Preston Way". (O 398-17) .....535

**Ward 07**

#6547021. New License Application, C1. Om Joard LLC, 5417 Chester Ave. (Ward 7). (F 384-17) .....531

Congratulations Resolution for Fidelity Baptist Church 125th Anniversary (R 400-17) .....532

Objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1905 East 55th Street. (R 392-17) .....536

Withdrawing objection to a New C2 Liquor Permit at 1268 72 East 61st Street and repealing Resolution No. 748 16, objecting to said permit. (R 367-17) .....550

**Ward 08**

#7148634. Transfer of Ownership Application, C2 C2X D6 D8. R C Brothers, Inc., 1015 East 185th St. (Ward 8). (F 395-17) .....531

**Ward 09**

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Recognition Resolution for Mary's Fight Foundation (R 402-17) .....532

**Ward 10**

#22348152220. New License Application, C2. Dolgen Midwest LLC, 7911 St. Clair Ave. (Ward 10). (F 396-17) .....531  
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Amending Sections 1 and 2 of Ordinance No. 931 16, passed August 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Student Theatre Enrichment Program (STEP) through the use of Wards 3, 6 and 16 Casino Revenue Funds. (O 370-17) .....556  
Authorizing the Director of the Department of Community Development to enter into agreement with the Bellaire Puritas Development Corporation for the Housing Code Enforcement Program through the use of Ward 16 Casino Revenue Funds. (O 371-17) .....556  
Objecting to the transfer of ownership of a C1 Liquor Permit to 4382 West 130th Street. (R 368-17) .....551

**Water Division**

Authorizing the purchase by one or more requirement contracts of disposal of debris at landfills, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 250-17) .....555

**Water Pollution Control Division ( WPC )**

Authorizing the purchase by one or more requirement contracts of disposal of debris at landfills, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 250-17) .....555  
Determining the method of making the public improvement of replacing the cooling towers, improving the ventilation and windows of a maintenance garage, and replacing boilers and chillers, for the various divisions of the Department of Public Utilities. (O 249-17) .....555

**Welcome**

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