

The City Record

Official Publication of the Council of the City of Cleveland



October the Twenty-Sixth, Two Thousand and Sixteen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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

| Containing | PAGE |
|---|------|
| City Council | 3 |
| The Calendar | 9 |
| Board of Control | 9 |
| Civil Service | 11 |
| Board of Zoning Appeals | 11 |
| Board of Building Standards and Building Appeals | 13 |
| Public Notice | 15 |
| Public Hearings | 15 |
| City of Cleveland Bids | 15 |
| Adopted Resolutions and Ordinances | 16 |
| Committee Meetings | 25 |
| Index | 25 |



DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

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

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

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

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

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

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

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

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

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

DEPT. OF PORT CONTROL – Fred Szabo, Interim Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:
 Administration – John Laird, Manager
 Special Events and Marketing – Tangee Johnson, Manager
DIVISIONS:
 Motor Vehicle Maintenance – Jeffrey Brown, Commissioner
 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Parking Facilities – 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 – Randell T. Scott, Interim Commissioner

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

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom
 Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A
 Judge Pinkey S. Carr – Courtroom 15C
 Judge Marilyn B. Cassidy – Courtroom 13A
 Judge Michelle Denise Earley – Courtroom 14C
 Judge Emanuella Groves – Courtroom 14B
 Judge Lauren C. Moore – Courtroom 14A
 Judge Charles L. Patton, Jr. – Courtroom 13D
 Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13C
 Judge Michael R. Sliwinski – Courtroom 13C
 Judge Janet Rath Colaluca – Courtroom 12B
 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. 103

WEDNESDAY, OCTOBER 26, 2016

No. 5368

CITY COUNCIL

MONDAY, OCTOBER 24, 2016

The City Record
Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland
The City Record is available
online at
www.clevelandcitycouncil.org
Address all communications to
PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

The following Committees meet at the Call of the Chair:

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

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

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

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 1285-16.
RE: #8788452. Transfer of Owner-
ship Application, D1 D2 D3 D3A.
TastebudFoods LLC, 991 East 185th
St. (Ward 8). Received.

File No. 1286-16.
RE: #6448039. New License Appli-
cation, F10. North Union Farmers
Market, 13209 Shaker Sq. (Ward 4).
Received.

File No. 1287-16.
RE: #3246657. New License Appli-
cation, C2. Goldberg Investments
Group LLC, 4200 West 130th St.
(Ward 16). Received.

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. John-
son, McCormack.

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

MONDAY

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

TUESDAY

9:30 A.M. — **Development, Plan-
ning and Sustainability Committee:**
Brancatelli (CHAIR), Cleveland
(VICE-CHAIR), 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 Com-
munity Benefits Committee:** Cleve-
land (CHAIR), Zone (VICE-CHAIR),
J. Johnson, Kazy, Polensek, Pruitt,
Reed.

WEDNESDAY — Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 24, 2016

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

Council Members present: Dona
Brady, Anthony Brancatelli, Phyllis
E. Cleveland, Kevin Conwell, Brian
J. Cummins, Jeffrey D. Johnson,
Kenneth L. Johnson, Brian Kazy,
Kevin J. Kelley, Martin J. Keane,
Kerry McCormack, Mamie J.
Mitchell, Michael D. Polensek, Zack
Reed, and Matthew Zone.

Also present were: Mayor Frank
G. Jackson, Chief of Staff Ken Sil-
liman, Chief Operating Officer Dar-
nell 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, and Directors Szabo,
Gordon, McGrath, Cox, O'Leary,
Nichols, Griffin, Collier, Fumich 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
Cummins, the reading of the min-
utes of the last meeting was dis-
pensated with and the journal
approved. Seconded by Council Mem-
ber McCormack.

PLAT

File No. 1284-16.

Dedication Plat for Huron Road
Relocation, between Euclid Avenue
and East 14th Street. Approved by
Committees on Municipal Services
and Properties, and Development
Planning and Sustainability. With-
out objection, Plat approved.

CONDOLENCE RESOLUTIONS

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

Res. No. 1290-16 — Lillie Mae
House.

Res. No. 1291-16 — David Howard
Colvin.

Res. No. 1292-16 — Leroy Frank
Hunter, Sr.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 1293-16 — John & Annie
B. Hudson - 70th Wedding Anniver-
sary.

Res. No. 1294-16 — Jacob R. Dar-
vas.

RECOGNITION RESOLUTION

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

Res. No. 1295-16 — Naomi Bedell -
100th Birthday.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1273-16.

**By Council Members Cummins,
Brancatelli and Keane.**

**An emergency ordinance allowing
the Regional Transit Authority to
place advertising on permitted bus
shelters and transit stations.**

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

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

Section 1. That, notwithstanding
and as an exception to the Codified
Ordinances of the City of Cleveland,

1976, the Regional Transit Authority or its authorized contractor may place advertising on any bus shelter or in any transit station for which a proper permit has been issued, so long as such advertising complies with Chapters 350, 680A and 680B and any other relevant sections of the Codified Ordinances.

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

Referred to Directors of City Planning Commission, Finance, Law; Committees on Transportation, Development Planning and Sustainability, Finance.

Ord. No. 1274-16.

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

An emergency ordinance to amend Section 9 of Ordinance No. 856-07, passed May 21, 2007, as amended by various ordinances, relating to authorizing development agreements for Community Reinvestment Areas under Section 3735.65 et seq. of the Revised Code.

Whereas, under Ordinance No. 856-07, passed May 21, 2007, and through the authority of Section 3735.65 et seq. of the Revised Code, this Council established the City of Cleveland as a Community Reinvestment Area; and

Whereas, under Ordinance No. 76-12, passed May 14, 2012, this Council amended Ordinance No. 856-07, to establish new green building standards for construction or remodeling performed under those ordinances and also extended the eligibility date for residential tax abatements to June 4, 2017; and

Whereas, under Ordinance No. 1493-15, passed January 25, 2016, this Council amended 856-07, to authorize the Director of Community Development to enter into development agreements for any phased project that applies for and meets the eligibility requirements for residential tax abatement; and

Whereas, the City wishes to remove the word "phased" so that the ordinance includes any project that applies for and meets the eligibility requirements for residential tax abatement; 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 Section 9 of Ordinance No. 856-07, passed May 21, 2007, as amended by Ordinance No. 76-12, passed May 14, 2012, and Ordinance No. 1493-15 passed January 25, 2016, is amended to read as follows:

Section 9. That the Community Reinvestment Area described in this ordinance shall expire on June 4, 2017, unless an extension is authorized by an amendment of Cleveland City Council; provided, however that if for any reason the designation of the area is revoked by the City or the terms of the abatement provided under this ordinance are modified or allowed to expire, the entitlements granted under this ordinance for any

residential project defined as a single family project or multi-unit rental or for-sale development project, with a letter of commitment for its project financing, for which a development agreement has been entered into with the City by the Director of Community Development, prior to June 4, 2017, shall continue at the current percentage of exemption and term of years. **Single family construction or remodeling that is not part of a defined or scattered development site or project, and where a permit to perform the improvements is issued by the City prior to the June 4, 2017 expiration of the current tax abatement Ordinance No. 76-12, does not require a development agreement and the abatement will continue at the current percentage of exemption and term of years.**

Further, that the Director of Community Development is hereby authorized to enter into such development agreements from the date of passage of this ordinance until June 4, 2017 and that the Director of Community Development shall receive the consent of the City Council representative of the Ward that a development project is located in prior to executing a development agreement for that project.

Real property transferred by the City of Cleveland, Land Reutilization Program ("Land Bank"), from January 1, 2015 through June 4, 2017 for single-family residential development shall qualify for residential tax abatement at current approved levels (100% for 15 years) if construction is commenced and completed within the time frames stipulated within the City's Official Deed.

Section 2. That existing Section 9 of Ordinance No. 856-07, passed May 21, 2007, as amended by Ordinance No. 76-12, passed May 14, 2012, and Ordinance No. 1493-15 passed January 25, 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 Community Development, Finance, Law; Committees on Development Planning and Sustainability, Finance.

Ord. No. 1275-16.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Secretary of the Civil Service Commission to enter into an amendment to Contract No. CT 1511 PS 2016-222 with Ergometrics & Applied Personnel Research, Inc. to provide additional civil transportability studies and civil service testing for entry level law enforcement officers, for the Department of Public Safety and to extend the term of the contract until December 31, 2017.

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 Secretary of the Civil Service Commission is authorized to enter into an amendment to Contract No. CT 1511 PS 2016-222 with Ergometrics & Applied Personnel

Research, Inc. to provide additional civil transportability studies and civil service testing for entry level law enforcement officers, for the Department of Public Safety and to extend the term of the contract until December 31, 2017. All other terms and conditions contained in the contract shall remain the same.

Section 2. That the amendment shall be prepared by the Director of Law.

Section 3. That the costs of the contract amendment shall not exceed \$100,000 and shall be paid from funds deemed appropriate by the Director of Finance.

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 Secretary of Civil Service Commission and Directors of Finance, Law; Committee on Finance.

Ord. No. 1276-16.

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

An emergency ordinance determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement, for a period of two years for contracts executed by December 31, 2019.

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 maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, the repair and replacement of roofs for a period of two years for contracts executed by December 31, 2019 (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 on a unit basis 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 on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

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

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

Section 5. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 50 SF 002, 52 SF 001, 54 SF 001, 54 SF 400, 58 SF 001, and from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, Request No. RQS 2002, RL 2016-86.

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

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

Ord. No. 1277-16.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years with two one-year options to renew, the first of which requires additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years with two one-year options to renew, of the necessary items of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, in the approximate

amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercised at the option of the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public 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.

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

Ord. No. 1278-16.

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

An emergency ordinance to amend Section 3 of Ordinance No. 226-15, passed April 13, 2015, as amended by various ordinances, to add additional funding for parking revenue control equipment and software, including reporting functions, for the West Side Market Parking Lot.

Whereas, under Ordinance No. 226-15, passed April 13, 2015, this Council authorized the Director of Public Works to enter into contract to purchase parking revenue control equipment and software with reporting features for the Willard Park Garage and the East Gateway Garage, including labor and installation, for the Division of Parking Facilities; and

Whereas, Ordinance No. 226-15 was amended by Ordinance No. 1351-15, passed December 7, 2015, to add professional services and to modify the

purchase contracts and because of the addition of the professional services, existing Sections 2, 3, and 4 of Ordinance No. 226-15, were renumbered to new Sections 4, 5, and 6; and

Whereas, Ordinance No. 226-15, as amended by Ordinance No. 1351-15, was further amended by Ordinance No. 540-16, passed May 23, 2016, to include the West Side Market Parking Lot in the project; and

Whereas, this Council wishes to amend Section 3 of Ordinance No. 226-15, as renumbered to Section 5 by Ordinance No. 1351-15 among other things, and as amended by Ordinance No. 540-16; 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 Section 3 of Ordinance No. 226-15, passed April 13, 2015, as amended and renumbered to Section 5 by Ordinance No. 1351-15, passed December 7, 2015, as further amended by Ordinance No. 540-16, passed May 23, 2016, is amended to read as follows:

Section 5. That the cost of the contract or contracts authorized shall be paid from Fund Nos. **20 SF 517, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, 20 SF 551, 20 SF 553, 20 SF 559, 20 SF 562, 20 SF 566, 20 SF 573, 20 SF 843, 20 SF 869, and 65 SF 009, RQS 7008, RL 2015-33.**

Section 2. That existing Section 3 of Ordinance No. 226-15, passed April 13, 2015, as amended and renumbered to Section 5 by Ordinance No. 1351-15, passed December 7, 2015, as further amended by Ordinance No. 540-16, passed May 23, 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 Public Works, Finance, Law; Committees on Municipal Services and Properties, Finance.

Ord. No. 1279-16.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for NEORS Community Cost Share Program Funds; to enter into an agreement with The Cleveland Metroparks to serve as a sub-grantee to design, construct and maintain up to four bioretention cells at Wildwood Park, for the Office of Sustainability, Department of Public Utilities, for a period of at least fifteen years.

Whereas, under Ordinance No. 642-15, passed July 22, 2015, the Director of Public Utilities applied for and accepted a grant from the US EPA in the amount of \$175,000 for the City of Cleveland Bioretention at Wildwood Park Project ("Wildwood Park Project"); and

Whereas, as part of the above grant application, the City committed to contribute \$175,000 of the NEORS Community Cost Share Program funds as a match for the Wildwood Park Project for a total project budget of \$350,000; and

Whereas, in 2013, management of the City's Lakefront properties, including Wildwood Park, was assumed by Cleveland Metroparks ("Metroparks"); and

Whereas, the City wishes to enter into an agreement with Metroparks to implement the Wildwood Park Project by sub-granting the total project budget of \$350,000 to Metroparks in order for them to design, construct, and maintain up to four bioretention cells at Wildwood Park; 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 apply for and accept funding from the Northeast Ohio Regional Sewer District under the NEORS Community Cost Share Program in the amount of \$175,000, to conduct the Wildwood Park Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the program; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That a copy of the grant agreement from the US EPA and the project narrative is placed in File No. 1279-16-A.

Section 3. That notwithstanding and as any exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to enter into and execute one or more agreements with Metroparks to implement the Wildwood Park Project, including but not limited to, defining responsibilities under the US EPA grant agreement and NEORS Community Cost Share Program. The agreement shall provide that it is Metropark's responsibility to provide for the design, construction and maintenance of up to four bioretention cells at Wildwood Park for a period of at least fifteen years, and that the City as the main US EPA grant recipient, will retain primary responsibility for grant compliance and reporting, and will ensure that Metroparks complies with all grant terms and conditions during project implementation, and contain other provisions needed to implement the Wildwood Park Project.

Section 4. That the agreement or agreements will be prepared by the Director of Law.

Section 5. That this Council authorizes payment to Metroparks, as sub-grantee, in an amount up to \$350,000 to implement the Wildwood Park Project as described in the file, payable from the fund or funds to which are credited the US EPA Grant funds applied for and accepted under Ordinance No. 642-16, passed July 22, 2015, and the fund or funds to which are credited the NEORS Community Cost Share Program funds authorized by this ordinance.

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

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

Ord. No. 1280-16.
By Council Members Zane and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with Court Community Services to establish and manage a work program at the House of Corrections for eligible inmates and to place the inmates into the work program for a period up to one year; and amend Section 135.59 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by Ordinance No. 1871-06 passed December 11, 2006, relating to inmate labor.

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

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

Section 1. That the Director of Public Safety is authorized to enter into an agreement with Court Community Services to establish and manage a work program at the House of Corrections for eligible inmates and to place the inmates into the work program, for a period up to one year, for the Division of Corrections, Department of Public Safety.

Section 2. That the Director of Law shall prepare the agreement.

Section 3. That Section 135.59 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1871-06, passed December 11, 2006 is amended to read as follows:

Section 135.59 Inmate Labor

The Commissioner of Correction may require persons sentenced to confinement in the House of Corrections:

(a) To perform appropriate labor within the House of Corrections, on its grounds, or at any other facility or project owned or operated by the City of Cleveland, the United States of America, or the State of Ohio, and any of its political subdivisions;

(b) To perform work outside of the House of Corrections or on its grounds, or other facilities described in division (a) under a voluntary work program established by the Commissioner. The Commissioner shall promulgate rules for the operation of the program.

Section 4. That existing Section 135.59 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1871-06, passed December 11, 2006 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.

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

Ord. No. 1281-16.
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 services necessary to manage the West Side Market Parking Lot, for a period not to exceed three 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 Works is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to manage the West Side Market Parking Lot, for a period not to exceed three years.

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

Section 2. That the cost of contract or contracts authorized shall be paid from the fund or funds to which are credited the fees collected from the operation of the West Side Market Parking Lot.

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

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

Ord. No. 1282-16.
By Council Members Mitchell, 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 The Cleveland Clinic Foundation to encroach into the public rights-of-way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian 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 with and to issue an encroachment permit revocable at the will of Council, either separately or in combination with the agreement, to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195 ("Permittee"), to encroach into the public rights-of-way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges at locations further described as follows:

Pedestrian bridge encroachment over East 105th Street

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being part of East 105th Street, and being the proposed encroachment herein described extending between planes at elevations 731.47 feet and 712.80 feet above mean sea level as determined by the Cleveland Regional Geodetic Survey, converted to NAVO 1988 Datum, and being more fully bounded and described as follows:

Commencing at the intersection of the centerline of East 105th Street (currently 60' wide) and the centerline of Wilbur Avenue (50' wide), thence North 88°51'30" East along the said centerline of Wilbur Avenue a distance of 72.21 feet to a point thereon;

Thence North 01°09'30" West, a distance of 26.54 feet to a point on the proposed Easterly line of East 105th Street and being the Place of Beginning of the proposed encroachment herein described;

Course No. 1:

Thence South 89°17'44" West along the Southerly line of said proposed encroachment, a distance of 102.00 feet to a point on the Westerly line of East 105th Street;

Course No. 2:

Thence North 00°42'16" West along the said Westerly line of East 105th Street, a distance of 14.17 feet to a point on the Northerly line of said proposed encroachment;

Course No. 3:

Thence North 89°17'44" East along the said Northerly line of proposed encroachment, a distance of 102.00 feet to a point on the said proposed Easterly line of East 105th Street;

Course No. 4:

Thence South 00°42'16" East along the said proposed Easterly line of East 105th Street, a distance of 14.17 feet to the place of beginning of the encroachment herein described containing 0.0332 acres according to the exhibit by Atwell, LLC dated September, 2016 and being subject to all legal highways and easements.

Pedestrian bridge encroachment over Wilbur Avenue

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being part of Wilbur Avenue, and being the proposed encroachment herein described extending between planes at elevations 731.47 feet and 712.80 feet above mean sea level as determined by the Cleveland Regional Geodetic Survey, converted to NAVD 1988 Datum, and being more fully bounded and described as follows:

Commencing at the intersection of the centerline of East 105th Street (currently 60' wide) and the centerline of Wilbur Avenue (50' wide),

Thence North 88°51'30" East along the said centerline of Wilbur Avenue, a distance of 72.81 feet to a point thereon;

Thence South 01°08'30" East, a distance of 25.00 feet to a point on the Southerly line of Wilbur Avenue;

Thence North 88°51'30" East along the said Southerly line of Wilbur Avenue, a distance of 35.00 feet to a point thereon and being the Place of Beginning of the proposed encroachment herein described;

Course No. 1:

Thence North 00°42'16" West along the Westerly line of said proposed encroachment, a distance of 50.00 feet to a point on the Northerly line of Wilbur Avenue;

Course No. 2:

Thence North 88°51'30" East along the said Northerly line of Wilbur Avenue, a distance of 14.17 feet to a point on the Easterly line of said proposed encroachment;

Course No. 3:

Thence South 00°42'16" East along the said Easterly line of proposed encroachment, a distance of 50.00 feet to a point on the Southerly line of Wilbur Avenue;

Course No. 4:

Thence South 88°51'30" West along the said Southerly line of Wilbur Avenue, a distance of 14.17 feet to the place of beginning of the encroachment herein described containing 0.0163 acres according to the exhibit by Atwell, LLC dated September, 2016 and being subject to all legal highways and easements.

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

Section 2. That the Director of Capital Projects is authorized to enter into maintenance, inspection, and repair agreement with The Cleveland Clinic Foundation for pedestrian bridges permitted to encroach into various public rights-of-way under encroachment permits issued under the authority of previous ordinances.

Section 3. That Permittee may assign any 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 4. That the Director of Law shall prepare the agreements and/or permits authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The agreements and/or permits 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 5. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 1272-16.

By Council Member Polensek.

An emergency resolution finding the fraudulent actions of Wells Fargo bank inexcusable and insisting that it be prohibited from doing business with the state of Ohio for a minimum of five years.

Whereas, federal and California authorities have fined Wells Fargo bank \$185 million dollars for defrauding thousands of customers out of millions of dollars by opening unauthorized credit and banking accounts; and

Whereas, the Wells Fargo CEO, John Stumpf, recently resigned with a retirement payout reported to be \$134 million; and

Whereas, Ohio Governor John Kasich has said that Wells Fargo has lost the right to do business with the state of Ohio for at least one year and Ohio State Treasurer Josh Mandel put a freeze on new business with Wells Fargo; and

Whereas, United States Senator for Ohio Sherrod Brown has said that "until it lays out concrete steps to make things right, [Wells Fargo] doesn't deserve the state of Ohio's business"; and

Whereas, this Council believes that the actions of Wells Fargo are inexcusable and that this giant bank does not deserve to do business with the State of Ohio for at least five years; 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 finds the fraudulent actions of Wells Fargo bank inexcusable and insists that it be prohibited from doing business with the state of Ohio for a minimum of five years.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor John Kasich, Senator Sherrod Brown and Ohio Treasurer Josh Mandel.

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

Referred to Committee on Finance.

FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED

Ord. No. 1283-16.

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

An emergency ordinance to amend Sections 3 and 5 of Ordinance No. 575-16, passed June 6, 2016; and to supplement the ordinance by adding new Sections 3a, 3b, and 3c, to authorize contracts needed to implement the grant received from Environmental Health Watch for the Build Health Challenge Program.

Whereas, this ordinance constitutes an emergency measure providing for

the usual daily operation of a municipal department; now, therefore,

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

Section 1. That Sections 3 and 5 of Ordinance No. 575-16, passed June 6, 2016, are amended to read as follows:

Section 3. That under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Building and Housing may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the cost of the contracts authorized in this ordinance shall be paid from the fund or funds to which are credited any grant funds accepted under this ordinance and from Fund Nos. 20 SF 562 and 20 SF 566.

Section 2. That Sections 3 and 5 of Ordinance No. 575-16, passed June 6, 2016, are repealed.

Section 3. That Ordinance No. 575-16, passed June 6, 2016, is supplemented by adding new Sections 3a, 3b, and 3c to read as follows:

Section 3a. That the Director of Building and Housing is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the Program.

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

Section 3b. That the Director of Building and Housing is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, supplies, and services needed to implement the Program, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for Department of Building and Housing. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 3c. That the costs of the requirement 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.

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.

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1288-16.

By Council Member Polensek.
An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 768 East 200th Street, 1st floor and basement.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Fat Boys, Inc., 768 East 200th Street, 1st Floor & Basement, Cleveland, Ohio 44119, Permit Number 2655482 to Flare LLC, DBA: Flare, 768 East 200th Street, 1st Floor & Basement, Cleveland, Ohio 44119 Permit Number 2771150; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Fat Boys, Inc. 768 East 200th Street, 1st Floor & Basement, Cleveland, Ohio 44119, Permit Number 2655482 to Flare

LLC, DBA: Flare, 768 East 200th Street, 1st Floor & Basement, Cleveland, Ohio 44119, Permit Number 2771150; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1289-16.

By Council Member McCormack.
An emergency resolution withdrawing objection to the transfer of location of a D2, D2X, D3 and D6 Liquor Permit at 668 Euclid Avenue, Suite 8, and repealing Resolution No. 940-16, objecting to said transfer.

Whereas, this Council objected to the transfer of location of a D2, D2X, D3 and D6 Liquor Permit to VIP Beauty Bar, LLC, DBA Manifest, 668 Euclid Avenue, Suite 8, Cleveland, Ohio 44114, Permanent No. 9283393 by Resolution No. 940-16 adopted by the Council on August 10, 2016; 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 D2, D2X, D3 and D6 Liquor Permit to VIP Beauty Bar, LLC, DBA Manifest, 668 Euclid Avenue, Suite 8, Cleveland, Ohio 44114, Permanent No. 9283393, be and the same is hereby withdrawn and Resolution No. 940-16, 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.

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 773-16.

By Mayor Jackson.
An emergency ordinance to amend Section 571.01 and 571.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 325-04, passed May 10, 2004, relating to City Airport definitions and vehicles for hire; and to supplement the codified ordinances by enacting new Section 571.131, relating to Transportation Network Services and Fees.

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

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

Ord. No. 1016-16.

By Council Members Brancatelli, Brady and Kelley.

An emergency ordinance declaring a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable cultivators, processors and retail dispensaries of medical marijuana in the City of Cleveland.

Approved by Directors of City Planning Commission, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 1028-16.

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 with SoundCom Systems for professional services necessary to maintain and support the audio paging sound system for the Department of Port Control, for a period of one year with three one-year options to renew, the second of which shall require additional legislative authority.

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

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

Ord. No. 1030-16.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide air and cargo service consulting and advising services for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority.

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

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

Ord. No. 1161-16.

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

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. PS 2013-22 with Science Applications International Corporation, nka Leidos, Inc. to provide additional regulatory compliance services for an additional three months, for the Department of Port Control.

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

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

Ord. No. 1162-16.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more Master Leases and Agreements with various signatory airlines and cargo carriers for the use and occupancy of certain City-owned spaces located at Cleveland Hopkins International Airport, for a period of five years, with two options to renew each for a period of two years, exercisable by the Director of Port Control.

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

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

Ord. No. 1163-16.

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 with LHD & Associates, Inc. for federal government lobbying services necessary to assist the Department of Port Control with airport-related federal agencies and issues for a term of two years, with two one-year options to renew, the first of which shall require additional legislative authority.

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

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

Ord. No. 1261-16.

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

An emergency ordinance authorizing the Director of Public Safety to employ one or more professional consultants to develop a data collection and analysis system for the Division of Police, including but not limited to acquiring or developing software and performing other related services; and authorizing one or more standard purchase and requirement contracts for the purchase, lease, or lease with option to purchase of materials, equipment, supplies, and services, needed to implement the project, for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance.

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

SECOND READING ORDINANCE PASSED

Ord. No. 1160-16.

By Council Member Pruitt.
An ordinance changing the Use and Area Districts of parcels along Lee Road south of the City border with Shaker Heights and north of the Erie Rail Road Company line (south of Miles Ave), and along a portion of Harvard Ave. and establishing an Urban Overlay district for the same areas as identified on the attached map (Map Change No. 2542).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability.

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

MOTION

On the motion of Council Member Cummins, the absences of Council Members TJ Dow and Terrell H. Pruitt are hereby authorized. Seconded by Council Member McCormack.

MOTION

The Council Meeting adjourned at 7:20 p.m. to the call of the chair. The next regular Council meeting will be on Monday afternoon, October 31, 2016, in the Council Chamber, time to be announced.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 19, 2016

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 19, 2016 at 10:34 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Acting Directors Shaw, Flask, Directors Cox, Gordon, Acting Directors Hennessy, Cosgrove, Directors West, Nichols, Acting Director Odum, and Director 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 following resolutions were adopted, except as may be otherwise noted.

Resolution No. 432-16.

By Director Davis.
 Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 9, 2016 for the public improvement of the Phase 2 AMR Deployment for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 655-16, passed July 13, 2016, are rejected.
 Yeas: Directors Langhenry, Dumas, Acting Directors Shaw, Flask, Directors Cox, Gordon, Acting Directors Hennessy, Cosgrove, Directors West, Nichols, Acting Director Odum, and Director O'Leary.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 433-16.

By Director Davis.
 Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 702-16, passed July 13, 2016, Brillency, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to administer a Online Consumer Engagement Program, for a period of two years, for the Division of Cleveland Public Power, Department of Public Utilities.
 Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Brillency, Inc. based upon its proposal dated, September 19, 2016, which contract shall be prepared by the Director of Law, shall provide that the compensation for the professional services described in the proposal shall not exceed \$80,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.
 Be it further resolved that the employment of the following sub-consultants by Brillency, Inc. for the above-mentioned professional services is approved:

| <u>SUB-CONSULTANTS</u> | <u>WORK PERCENTAGE</u> |
|-------------------------------------|------------------------|
| HLMS Sustainability Solutions (CSB) | \$24,000.00 30.000% |
| Sanctuary Software Studio | \$33,000.00 0% |
| All Facilities | \$ 5,900.00 0% |

Yeas: Directors Langhenry, Dumas, Acting Directors Shaw, Flask, Directors Cox, Gordon, Acting Directors Hennessy, Cosgrove, Directors West, Nichols, Acting Director Odum, and Director O'Leary.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 434-16.

By Interim Director Szabo.
 Whereas, under the authority of

Ordinance No. 1530-12, passed by the Council of the City of Cleveland on November 12, 2012, the City, through its Director of Port Control entered into City Contract No. RC2013*076 with Tyco Simplex-Grinnell ("Tyco") of the necessary items of materials, equipment, supplies and services necessary to maintain, repair and expand the integrated fire and security system for the various divisions of the Department of Port Control; and

Whereas, by its September 6, 2016 letter, Tyco notified the City that on September 2, 2016 Tyco merged into Johnson Controls, Inc., requested the City's authorization for assignment of current Contract No. RC2013*076 ("Contract") from Tyco to Johnson Controls, Inc. and represented Johnson Controls, Inc. will honor all of the terms and conditions under the Contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the terms of City Contract No. RC2013*076, this Board authorizes the assignment of the Contract from Tyco Simplex-Grinnell to Johnson Controls, Inc.; provided, however, that the parties do all things necessary and appropriate to implement the above-mentioned assignment and that Johnson Controls, Inc. assumes and performs all of Tyco Simplex-Grinnell's obligations under the Contract. The City's authorization of the assignment does not waive any of Tyco Simplex-Grinnell's obligations or the City's rights under the Contract against Tyco Simplex-Grinnell prior to the effective date of the assignment.
 Be it further resolved that the Director of Port Control is authorized to execute all documents and to do all things necessary and appropriate to implement the assignment authorized above, provided that the terms of the above mentioned assignment do not conflict with or modify the terms and conditions of City Contract No. RC2013*076.

Yeas: Directors Langhenry, Dumas, Acting Directors Shaw, Flask, Directors Cox, Gordon, Acting Directors Hennessy, Cosgrove, Directors West, Nichols, Acting Director Odum, and Director O'Leary.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 435-16.

By Interim Director Szabo.
 Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Peregrine Advisors, LLC, under City Contract No. PS2013*025 for the professional services of providing financial consulting services, including financial analysis, forecasting and evaluating financial information for the Department of Port Control, authorized by Ordinance No. 816-12, passed by the Council of the City of Cleveland on June 4, 2012, and Board of Control Resolution No. 30-13, as amended by Resolution No. 255-14, adopted January 16, 2013 and June 18, 2014, respectively, is approved.

| <u>Subcontractors</u> | <u>CSB% Amount</u> |
|-----------------------|------------------------|
| LeighFisher | Non-CSB \$15,000.00 |

Yeas: Directors Langhenry, Dumas, Acting Directors Shaw, Flask, Directors Cox, Gordon, Acting Directors Hennessy, Cosgrove, Directors West, Nichols, Acting Director Odum, and Director O'Leary.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 436-16.

By Director Spronz.
 Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Company, Inc. for the public improvement of Clark Avenue (Lorain Avenue to West 41st Street), all items, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, received on September 29, 2016, under the authority of Ordinances Nos. 1348-14 and 1101-15, passed by the Cleveland City Council on December 1, 2014, and November 9, 2015, respectively, upon a unit basis for the improvement, in the aggregate amount of \$7,892,775.07, is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following sub-contractors by Perk Company, Inc. for the above-mentioned public improvement is approved:

- Cuyahoga Supply and Tool, Inc. (CSB/MBE) — \$57,850.00 (0.7%)
- Tech Ready Mix (CSB/MBE) — \$592,925.00 (7.5%)
- Trafftech, Inc. (CSB) — \$274,104.00 (3.80%)
- PGT Construction, Inc. (CSB/FBE) — \$48,300.00 (0.6%)
- Petty Group, Inc. (CSB/MBE) — \$1,656,821.00 (21.0%)

Yeas: Directors Langhenry, Dumas, Acting Directors Shaw, Flask, Directors Cox, Gordon, Acting Directors Hennessy, Cosgrove, Directors West, Nichols, Acting Director Odum, and Director O'Leary.
 Nays: None.
 Absent: Mayor Jackson.

Resolution No. 437-16.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 127-13-046 located at 9200 Laisy 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, Valarie J. McCall has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Valarie J. McCall for the sale and development of Permanent Parcel No. 127-13-046 located at 9200 Laisy 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, Dumas, Acting Directors Shaw, Flask, Directors Cox, Gordon, Acting Directors Hennessy, Cosgrove, Directors West, Nichols, Acting Director Odom, and Director O'Leary.

Nays: None.

Absent: Mayor Jackson.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 7, 2016

9:30 A.M.

Calendar No. 16-262: 2220 West 93rd Street (Ward 15)

Friends of Breakthrough Schools, owner, proposes to demolish a parking lot and build a gymnasium in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.02 which states that no off street parking shall be voluntary reduced and the appellant is proposing to demolish parking lot spaces without relocating them.

2. Section 349.04(e) which states that the parking area equal must be equal to 3 times the floor area of proposed gymnasium (5,631 square feet x 3) which, in this case is 16,893 and no new parking is proposed. As parking area is being removed for new gym addition.

3. Section 357.04(a) which states that a front yard equal to 15% of the depth of the lot is required and no front setback is proposed. (Filed October 7, 2016)

Calendar No. 16-263: 13700 Larchmere Boulevard (Ward 4)

Susan Spring, owner, proposes to install generator/air conditioner units in the required side yard in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that in residence districts the required interior side yard shall be in no case less than 1/4 the height of the main building.

2. Section 357.13 which states that Generator, A/C units are not permitted encroachments in the interior side yard. (Filed October 7, 2016)

Calendar No. 16-264: 2092 West 19th Street (Ward 3)

Urban Investments, owner, proposes to erect a 3,655 square foot single family house in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the maximum gross floor area in a "B" area district shall not exceed 1/2 the lot area, or in this case 1,950 square feet and 3,655 square feet are proposed.

2. Section 357.09(b)(2)(A) which states that no building shall be erected less than then 10 feet from a main building on an adjoining lot. Proposed distance to adjacent residence is 8' - 2".

3. 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 then (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth

(1/4) the height of the main building on the premises. Building height is approximately 34' - 5" thus no interior side yard shall be less than 8' - 5" and a 5' - 0" side yard is proposed.

4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed October 10, 2016)

Calendar No. 16-265: 2100 West 19th Street (Ward 3)

Urban Investments, owner, proposes to erect a 3,480 square foot single family house in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the maximum gross floor area in a "B" area district shall not exceed 1/2 the lot area, or in this case 1,540 square feet and 3,480 square feet are proposed.

2. Section 357.09(b)(2)(A) which states that no building shall be erected less than then 10 feet from a main building on an adjoining lot. Proposed distance to adjacent residence is 8' - 2".

3. 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 then (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. Building height is approximately 33' - 8" thus no interior side yard shall be less than 8' - 5" and a 3' - 1" side yard is proposed.

4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed October 10, 2016)

Calendar No. 16-266: 2086 West 19th Street (Ward 3)

Urban Investments, owner, proposes to erect a 3,893 square foot single family house in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the maximum gross floor area in a "B" area district shall not exceed 1/2 the lot area, or in this case 1,896 square feet and 3,893 square feet are proposed.

2. Section 357.09(b)(2)(B) which states that in a two family district no interior side yard shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than then (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. Building height is approximately 34' - 5" thus no interior side yard shall be less than 8' - 5" and a 5' - 6" side yard is proposed.

3. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed October 10, 2016)

Calendar No. 16-268: 12301 Oakfield Avenue (Ward 4)

Charles A. Cavor Sr., owner, proposes to change use from a two family dwelling to a three-family dwelling 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 which states that in a Two-Family Residential District a three family dwelling is not permitted but is first permitted in a Multi-Family Residential District.

2. Section 337.03(c) which states that the Board of Zoning Appeals, may grant special permit for remodeling of existing dwelling houses to provide for more than two dwelling units but not more than six dwelling units provided that:

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

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

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

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

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

3. Section 355.04 which states that the minimum lot area for a three family dwelling is 7,200 square feet and the existing lot area is 6,000 square feet. (Filed October 11, 2016)

**POSTPONED FROM
OCTOBER 10, 2016**

Calendar No. 16-218: 2061 West 19th Street (Ward 3)

Urban Investments, owner, proposes to erect a new four story, 3,040 square foot two family house on a 3,200 square foot lot in a B1 Multi-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot width for a two family dwelling in a "B": area district is 50 feet and a 32 foot wide lot is proposed.

2. Section 355.04(a) which states that a minimum lot area of 6,000 square feet is required for a two family dwelling and a lot area of 3,200 square feet is proposed.

3. Section 357.09(b)(2)(C) which states that in a Multi-Family District no interior side yard on a lot occupied by a dwelling house shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be

less than (10) feet. However, the width of any such yard interior side yard shall in no case be less one-fourth (1/4) the height of the main building on the premises. Building mean height is approximately 36' - 2" thus no interior side yard shall be less than 8' - 1/2" and a 5' - 0" side yard is proposed. (Filed August 5, 2016)

First postponement made at the request of the Development Corporation to allow for further review.

**POSTPONED FROM
SEPTEMBER 26, 2016**

Calendar No. 16-226: 3854 East 54th Street (Ward 12)

Tonja Stollings, owner, proposes to erect an 18' x 14' one (1) story aluminum carport attached to existing garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 337.23(7)(A) of the Cleveland Codified Ordinances which states that the maximum square footage for accessory building shall not exceed 650 square feet and the appellant is proposing 828 square feet. (Filed August 17, 2016)

First postponement made at the request of the Councilman due to a landbank lot issue.

**POSTPONED FROM
OCTOBER 3, 2016**

Calendar No. 16-241: 14735 Lorain Avenue (Ward 17)

WPE LLC., owner (aka Juan and Lillian Chahda), propose to change use from tool & die shop to storage facility in a B1 General Retail Business District and a C1 General Industry District. The owner appeals for relief from the strict application of Section 359.01(a) which states that substitution of a non-conforming use requires approval/special permit from the Board of Zoning Appeals. The proposed use is non-conforming as a storage facility and its accessory uses are not permitted in General Retail Business District per Section 343.11(b). (Filed September 2, 2016)

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

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, OCTOBER 24, 2016

At the meeting of the Board of Zoning Appeals on Monday, October 24, 2016 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 16-228: 5718 Franklin Boulevard

Jim Alves, owner, proposes to erect a 23' x 41' three story frame single family residence with attached garage in a B1 Two-Family Residential District.

Calendar No. 16-229: 5724 Franklin Boulevard

Jim Alves, owner, proposes to erect a 23' x 41' three story frame single family residence with attached garage in a B1 Two-Family Residential District.

Calendar No. 16-230: 5720 Franklin Boulevard

Jim Alves, owner, proposes to erect a 23' x 41' - 4" three story frame single family residence with attached garage in a B1 Two-Family Residential District.

Calendar No. 16-251: 6920 Gertrude Avenue

Walter Eddy, owner, proposes to erect a 31' x 31' 1 story frame accessory detached gable garage on vacant lot in a B1 Two-Family Residential District.

Calendar No. 16-253: 2155 Superior Avenue

Sunshine Diversified Investments III LLC., owner, proposes to establish use as tattooing/body piercing establishment in a C4 Semi-Industry District.

Calendar No. 16-254: 10500 Lorain Avenue

Emir Abeid, owner, proposes to erect a 7,380 square foot building for sales, offices, and equipment area for a retail locksmith business in a C2 General Retail Business District.

The following appeals were **DENIED:**

None.

The following appeals were **WITHDRAWN:**

None.

The following appeal was **DISMISSED:**

Calendar No. 16-239: 11701 Corlett Avenue

Darnell Dozier, owner, proposes to change use from two family residence to a sober living house in a C1 Multi-Family Residential District.

The following case was **POSTPONED:**

Calendar No. 16-236: Flexco Incorporated

2600 Hamilton Avenue. Postponed to November 14, 2016.

The following cases were heard by the Board of Zoning Appeals on Monday, October 17, 2016 and the decisions were adopted and approved on Monday, October 24, 2016:

The following appeals were **APPROVED:**

Calendar No. 16-195: 2177 Scranton Road

2177 Scranton LLC., owner, proposes to include one dwelling unit residence to boutique, warehouse and operations building for women's clothing store in a B3 General Industry District.

Calendar No. 16-208: 9349 Gaylord Avenue

Continental Contracting, owner, proposes to change use from single family to foster care facility for 8 children in a B1 Two-Family Zoning District.

Calendar No. 16-234: 2202 West 6th Street

APJP Properties LLC., owner, proposes to erect an 11' - 4" x 13' - 4"

wolmanized wooden open rear porch to existing single family residence in a B1 Multi-Family Residential District.

Calendar No. 16-248: 2054 West 10th Street

Paul Vandereyke, owner, proposes to erect a 14' x 20' two story frame garage addition to proposed single family residence in a B1 Multi-Family Residential District.

Calendar No. 16-259: 17625 Groveswood Avenue

Salvation Army, owner, proposes to erect a 7' x 8' double faced illuminated message center ground sign 7 feet tall and wall signs in a B1 Two-Family Residential District.

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of October 19, 2016

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

* * *

Docket A-155-16.

RE: Appeal of Edith D. Pace, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 1316 East 85th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated July 6, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-155-16 has been POSTPONED; to be rescheduled for November 2, 2016.

* * *

Docket A-161-16.

RE: Appeal of Ashley Cordona, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two & One/half Story Masonry Property, located on the premises known as 4210 Clark Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, 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 DENY the Appellant's appeal request for additional time, and to REMAND the property at this time, to the Department of Building and Housing for supervision and any required further action; with the understanding that the Appellant will immediately submit drawings to the Building

Department and obtain all required permits. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-166-16.

RE: Appeal of Midfirst Bank, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3302 Erin Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 28, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 20, 2016 to obtain all required permits, noting that failure to meet that date will result in the property being REMANDED immediately; 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, Maschke. Nays: None. Absent: Mr. Bradley.

* * *

Docket A-167-16.

RE: Appeal of Neil T. Clough, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 7014 Colgate Avenue from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated July 28, 2016, and from a VACATE ORDER, dated July 29, 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-167-16 has been POSTPONED; to be rescheduled for November 16, 2016.

* * *

Docket A-168-16.

RE: Appeal of Nadine Bechtel, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 13517 West Avenue from a CONDEMNATION ORDER — GARAGE, dated July 25, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-169-16.

RE: Appeal of Jondarr Bradshaw, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 5701 Pacific Avenue from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated August 9, 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 the Violation Notice was properly issued, and to grant the Appellant until May 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, Maschke. Nays: None. Absent: Mr. Bradley.

* * *

Docket A-170-16.

RE: Appeal of Brian A. Drottar, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property, located on the premises known as 17725 Larchwood Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated July 8, 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 December 1, 2016 to complete abatement of all the landscaping work on the property, and to maintain the landscaping in first class condition, and until May 1, 2017 to complete abatement of all violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-171-16.

RE: Appeal of James Delmar, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Masonry Property, located on the premises known as 17501 Harland Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated August 4, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

* * *

Docket A-172-16.

RE: Appeal of Anna Felix, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 10817 Adeline Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated July 26, 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, noting that the Appellant was not present for the hearing; the property 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, Maschke. Nays: None. Absent: Mr. Bradley.

* * *

Docket A-173-16.

RE: Appeal of US Bank N.A., Owner of the R-3 Residential - Non-transient Townhomes (Independent Egress) Two Story Frame Property, located on the premises known as 11316 Florian Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated July 25, 2013 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).

No action; the docket has been WITHDRAWN.

* * *

Docket A-174-16.

RE: Appeal of Eloise Allen, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property, located on the premises known as 1211 East 111th Street from a NOTICE OF VIOLATION — FIRE DAMAGE, dated August 9, 2016, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 15th, 2016 to obtain all required permits and until May 1, 2017 to complete abatement of all the violations; the property is REMANDED at this time to

the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-175-16.

RE: Appeal of Abdul Hameed, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two Story Masonry Property, located on the premises known as 12717 Woodside Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 10, 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 testimony presented, the fact that the property is open to weather, and that the Appellant was not present for the hearing; 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, Maschke. Nays: None. Absent: Mr. Bradley.

* * *

Docket A-176-16.

RE: Appeal of Mountainside Realty Ventures, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 404 East 124th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 29, 2016 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 21st, 2016 to complete abatement of all 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, Maschke. Nays: None. Absent: Mr. Bradley.

* * *

Docket A-177-16.

RE: Appeal of Jeff Burgett, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 9607 Baltic Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated July 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 DENY the Appellant's appeal request for addition 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, Maschke. Nays: None. Absent: Mr. Bradley.

* * *

Docket A-178-16.

RE: Appeal of Berardi Properties, Inc., Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 3431 West 94th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 5, 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 March 1, 2017 to complete abatement of the violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

APPROVAL OF RESOLUTIONS FROM SEPTEMBER 7, 2016:

Separate motions were entered by Mr. Maschke and seconded by Mr. Saab 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-121-16 — James R. Billups
- A-124-16 — Franklin T. Champagne
- A-129-16 — April C. Kenney
- A-133-16 — Rockstar Total Family Salons
- A-134-16 — Barbara Clark
- A-136-16 — Gretchen Collins
- A-137-16 — Dollar Bank Servicing Center
- A-138-16 — Dvorak Family Trust

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

* * *

APPROVAL OF MINUTES FROM SEPTEMBER 7, 2016:

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

September 7, 2016

APPROVAL OF RESOLUTIONS:

Approval of the Resolutions from the September 21st, and October 5th, 2016 Board Meetings will be ADOPTED November 2, 2016.

* * *

APPROVAL OF MINUTES:

Approval of the Minutes from the September 21st, and October 5th, 2016 Board Meetings will be ADOPTED November 2, 2016.

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

On August 10, 2016, Cleveland City Council passed Ordinance No. 826-16 authorizing the submission to the electors of the City of Cleveland of a proposal to amend the Charter of the City of Cleveland by amending existing Section 115-2, relating to the Police Review Board. The language that will appear on the ballot for the November 8, 2016 election is as follows:

**ISSUE 33
PROPOSED CHARTER
AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

Shall Section 115-2 of the Charter of the City of Cleveland be amended to change the name of the Police Review Board to Civilian Police Review Board; to increase the size of the Board from seven (7) to nine (9) members, of which five (5) members are to be appointed by the Mayor, and four (4) appointed by Council; to limit the terms of the members to two (2) four-year terms within 12 years; to provide that at least one member of the Board shall be between the ages of 18 and 30 when appointed; to provide that there shall be at least one (1) member from each police district; to provide that that no member shall be a current law enforcement officer, or a current or former employee of the Division of Police; to provide for posting of vacancies and application to fill those vacancies; to have the Board select the chair and vice-chair and limit their terms to two (2) consecutive one-year terms each, with eligibility again after two (2) years; to provide that the Board's budget be separate from that of the Department of Public Safety's administrative budget, to be overseen by the administrator and the Board; and to provide that Board members receive initial and annual training?

For more information, go to www.clevelandcitycouncil.org.

October 12, 2016, October 19, 2016, October 26, 2016, November 2, 2016.

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, NOVEMBER 9, 2016

File No. 138-16 — Purchase of Transfer and Disposal of Tires, for the Division of Waste Collection and Disposal, Department of Public Works, as authorized by Ordinance No. 1442-15, passed by the Council of the City of Cleveland, December 7, 2015.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 27, 2016 AT 11:00 A.M. LOCATED AT THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OHIO 44105.

File No. 139-16 — Ductile Iron Pipe and Fittings, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 27, 2016

AT 10:30 A.M. THE DISTRIBUTION AND MAINTENANCE FACILITY, 4600 HARVARD AVENUE, CLEVELAND, OH 44105, IN THE PIPE REPAIR CONFERENCE ROOM.

October 19, 2016 and October 26, 2016

THURSDAY, NOVEMBER 10, 2016

File No. 140-16 — Music Hall Improvements, Roof Repairs, for the Division of Architecture and Site Development, Department of Mayor's Office of Capital Projects, as authorized by Ordinance No. 733-14, passed by the Council of the City of Cleveland, June 9, 2014.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 27, 2016 AT 10:00 A.M. CLEVELAND CITY HALL, AT THE DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OHIO 44114.

File No. 144-16 — Turnout Clothing - Division of Fire, for the Division of Fire, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, WEDNESDAY, NOVEMBER 2, 2016 AT 11:00 A.M. CLEVELAND CITY HALL, DIVISION OF FINANCIAL REPORTING AND CONTROL, 601 LAKESIDE AVENUE, ROOM 18, CLEVELAND, OHIO 44114.

October 19, 2016 and October 26, 2016

FRIDAY, NOVEMBER 11, 2016

File No. 142-16 — Employee Uniforms and Related Items for Airport Rescue and Firefighting, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, NOVEMBER 3, 2016 AT 10:30 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

File No. 143-16 — Labor and Materials for Fencing Repair and Installation (Re-Bid), for the Division of Cleveland Hopkins International Airport, Department

of Port Control, as authorized by Ordinance No. 333-16, passed by the Council of the City of Cleveland, April 25, 2016.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, NOVEMBER 3, 2016 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

October 19, 2016 and October 26, 2016

FRIDAY, NOVEMBER 18, 2016

File No. 141-16 — Labor and Materials for the Materials, Repair and Installation of Gates, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 333-16, passed by the Council of the City of Cleveland, April 25, 2016.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, WEDNESDAY, NOVEMBER 9, 2016 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

October 19, 2016 and October 26, 2016

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1206-16.

By Council Member Kazy.

An emergency resolution supporting Senate Bill 359 to amend the Ohio Revised Code to create a "Down Syndrome Awareness" license plate.

Whereas, October is national Down Syndrome Awareness month; and

Whereas, October 12th is Down Syndrome Awareness Day in the City of Cleveland; and

Whereas, every year, one in 790 children in the United States are born with Down Syndrome; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

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

Section 1. That this Council hereby supports Senate Bill 359 to amend the Ohio Revised Code to create a "Down Syndrome Awareness" license plate.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to Governor Kasich and all members of the Ohio legislature.

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 October 17, 2016.

Effective October 19, 2016.

Res. No. 1258-16.

By Council Member McCormack.

An emergency resolution supporting LAND studio's application to the Clean Ohio Fund Greenspace Conservation Program for the Irishtown Bend Conservation and Recreation Project in the City of Cleveland.

Whereas, the State of Ohio, through the Ohio Public Works Commission, administers financial assistance for the preservation of open spaces, sensitive ecological areas and stream corridors, through the Clean Ohio Fund Green Space Conservation Program; and

Whereas, the Irishtown Bend Conservation and Recreation Project is in complete coordination with and will help facilitate the stabilization of the Irishtown Bend hillside efforts led by the Port of Cleveland, as well as provide open space for a future park, and key trail connections from the Lake Link Trail to Lake Erie, the Cuyahoga River, and the Towpath Trail; and

Whereas, LAND studio desires financial assistance under the Clean Ohio Fund Green Space Conservation Program to acquire the Irishtown Bend properties for conservation and recreation purposes, for the Irishtown Bend Protection and Recreation Project, located in the City of Cleveland; 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 supports the application by LAND studio and its partners to the Clean Ohio Fund Greenspace Conservation Program for the Irishtown Bend Conservation and Recreation Project in the City of Cleveland.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to LAND studio.

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 October 17, 2016.

Effective October 19, 2016.

Res. No. 1259-16.

By Council Member Kazy.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 12820 Brook Park Road and patio and repealing Resolution No. 966-16 objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 Liquor Permit to G L M R, Inc., DBA Secrets, 12820 Brookpark Road and patio, Cleveland, Ohio 44130, Permanent Number 2977644 by Resolution No. 966-16, adopted by the Council on August 10, 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 the renewal of a D5 Liquor Permit to G L M R, Inc., DBA Secrets, 12820 Brookpark Road and patio, Cleveland, Ohio 44130, Permanent Number 2977644, be and the same is hereby withdrawn and Resolution No. 966-16, 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 October 17, 2016.

Effective October 19, 2016.

Ord. No. 1555-13.

By Council Members Cleveland, Mitchell and Kelley (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Sections 351.01 to 351.19 relating to riparian setbacks and wetlands setbacks; and to amend Section 327.99, as amended by Ordinance No. 899-06, passed August 16, 2006, relating to penalties under the Zoning Code.

Whereas, flooding is a significant threat to public health and safety and public and private property in the City of Cleveland, and riparian areas and wetlands lessen flood damage by holding runoff and releasing it slowly over time; and,

Whereas, streambank erosion in the City of Cleveland is a significant threat to public health and safety and public and private property, and riparian areas and wetlands control runoff and reduces its erosive force; and,

Whereas, insufficient control of riparian areas and wetlands can result in significant damage to receiving water resources, impairing the capacity of these resources to sustain aquatic systems and their associated aquatic life use designations; and,

Whereas, there is a regional effort to reduce the flooding and erosion and to protect water quality, riparian areas and wetlands and to protect and enhance the water resources of the City of Cleveland, and the City of Cleveland recognizes its obligation as a part of a watershed to reduce flooding and erosion and to protect water quality by controlling runoff within its borders; and,

Whereas, to promote public health and safety and sound economic development in the City of Cleveland, it is important to provide homebuilders, developers, and landowners with consistent, technically feasible, and operationally practical standards for storm water management; and,

Whereas, Ohio EPA has interpreted Permit No. OHQ00002, effective January 30, 2009, Part II, §5 to require designated communities,

including the City of Cleveland, to develop a Storm Water Management Program to address the quality of storm water runoff during and after soil disturbing activities through the use of best management practices such as appropriate policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; and,

Whereas, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments; 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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 351.01 to 351.19 to read as follows:

Chapter 351 Riparian Setbacks and Wetlands Setbacks

Section 351.01 Purpose

(a) It is determined that the system of wetlands, riparian areas, rivers, streams, and other natural watercourses within the City contributes to the health, safety, and general welfare of the residents. The specific purpose and intent of this chapter is to regulate uses and developments within riparian and wetland areas for the benefit of the City for the following reasons:

(1) To establish consistent, technically feasible and operationally practical standards to achieve a level of storm water quantity and quality control to minimize damage to public and private property and degradation of water resources from the impacts of flooding, erosion and storm water pollution.

(2) To reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.

(3) To reduce urban storm water pollutants, including pollutants already present in watercourses, especially during periods of high flows, through filtration, settlement, and absorption and transformation of those pollutants in the riparian and wetland setback, before the pollutants enter watercourses.

(4) To reduce sediment pollution, especially from erosion, by preventing unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands.

(5) To assist in stabilizing the banks of watercourses to reduce bank erosion and the downstream transport of sediments eroded from watercourse banks.

(6) To preserve to the maximum extent practicable the value of the natural drainage characteristics in the City, including on building sites, minimizing the need for costly engineering solutions to flooding and erosion problems such as the construction, repair, and replacement of enclosed storm drain systems.

(7) To minimize encroachment on wetlands and watercourse channels and the need for costly engineering solutions such as dams, retention basins, and rip rap armoring, to protect structures and reduce property damage and threats to the safety of residents; and contribute to the scenic beauty and environment of the City preserving the character of the City, the quality of life of the residents of the City, and corresponding property values.

(8) To reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, and wetlands, resulting from inadequate storm water management due to the loss of riparian areas and wetlands.

(9) To protect and maintain the receiving water's or wetland's physical, chemical, and biological characteristics and, in turn, to maintain its riparian or wetland functions, benefits and values.

(10) Provide habitat to a wide array of aquatic organisms and wildlife, including but not limited to many that are on Ohio's Endangered and/or Threatened Species listings, by maintaining diverse and connected riparian and wetland vegetation.

(11) To reduce the long-term expense of remedial projects and maintenance projects needed to address problems caused by inadequate storm water management and control.

(b) The following regulations have been enacted to protect the values, services and benefits riparian and wetland areas provide by establishing reasonable management and controls governing structures and uses within a wetland setback and a riparian setback along designated watercourses in the City.

Section 351.02 Scope, Applicability, and Activities Requiring A Permit

(a) Applicability and Compliance:
(1) These regulations shall apply to:

A. All activities, uses and structures on lands and waters that are within the jurisdiction of the City and that contain or are adjacent to designated watercourses or wetlands as defined in these regulations, excepting from all the portion of the Cuyahoga River and the Old River Bed & Ship Channel extending from Lake Erie southerly as shown in the City of Cleveland, Division of Engineering and Construction, Cuyahoga River Dock Line Maps (C32) sheets 1 through 3 to its intersection with the centerline of the Denison Harvard Bridge right of way as shown on sheet number 3 of the aforesaid Cuyahoga River Dock Line Maps and the Lake Erie Waterfront or as otherwise exempted in this chapter.

B. These regulations shall apply to property subdivision/property/parcel split plan approvals, site plan approvals, and land development plan approvals in regulated areas under this chapter.

C. These regulations shall apply to all building permits, which involve activities regulated under this chapter.

(2) Activities Regulated By Permit:
All activities in regulated riparian or wetland areas in this chapter including: filling; excavating; dredging; clear-cutting; grading; construction; removal of peat, sand or gravel; alteration of the water level or water

table; disturbance of any surface drainage characteristics, sediment patterns or flood retention characteristics; or any other alteration or use of a riparian or wetland area that is not exempted from the permit requirement under this chapter. Any such activity shall require a permit from the Department of Building and Housing. The Department of Building and Housing will issue no approvals or permits for activities that do not meet the standards and criteria in this chapter or without the applicant's full compliance with the terms of this chapter.

(3) Before any permit or certificate of occupancy is issued, the Director of Building and Housing or the Director's designated representative, shall examine or cause to be examined the application, and any plans and plot plan accompanying the application, to ascertain whether the proposed work and use will conform to the provisions of this Chapter, and all other applicable Codified Ordinances. At least four copies of site, construction, and topography plans and elevations drawn to a measurable scale to the specifications, required to determine compliance, are required to be submitted with the application. No permit or certificate of occupancy shall be issued unless the proposed work and use conform to the provisions of all applicable sections of this Chapter and the Cleveland Codified Ordinances.

Section 351.03 Consultation and Coordination With Other Regulatory Agencies

(a) In implementing these regulations the Director of Building and Housing or other City officials may consult with the local county Soil and Water Conservation District (SWCD), state and federal agencies and any other technical experts the Director deems necessary. Any costs associated with such consultations may be assessed to the applicant or his or her designated representative.

(b) The Director may require that a permit applicant obtain any other applicable federal, state, or local regulatory permits needed for a proposed activity before applying for a permit under this chapter.

Section 351.04 Definitions

As used in this chapter:

(a) "Approving Authority" means the official responsible for administering the applicable program(s).

(b) "Best Management Practice (BMP)" With regard to this chapter, BMP means any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by non-point sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.

(c) "Certified Professional in Erosion and Sediment Control (CPESC)" means a person that has subscribed to the Code of Ethics and has met the requirements established by the CPESC Council of Certified Professional In Erosion and Sediment Control, Inc. to be a Certified Professional in Erosion and Sediment Control.

(d) "Channel" means a natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.

(e) "Concentrated Storm Water Runoff" means surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels, or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

(f) "Conservation" means the wise use and management of natural resources.

(g) "Damaged or Diseased Trees" means trees that have split trunks, broken tops, heart rot, or insect or fungus problems, that will lead to imminent death or undercut root systems that put the tree in imminent danger of falling or leaning as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling.

(h) "Designated Watercourse" means a watercourse that is contained within, flows through, or borders the City and meets the criteria set forth in these regulations.

(i) "Deteriorated Structure" means a structure which has sustained substantial damage from any origin and which the cost of restoring the structure to its before-damaged condition would be equal to, or greater than 50% of, the market value of the structure before the damage occurred.

(j) "Development Area" means any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth disturbing activity is to be performed.

(k) "Ditch" means an excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.

(l) "Dumping" means the grading, pushing, piling, throwing, unloading or placing of soil or other material.

(m) "Earth Disturbing Activity" means any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

(n) "Erosion" means the process by which the land surface is worn away by the action of water, wind, ice, or gravity.

(o) "Existing" means in existence at the time of the passage of this chapter and these regulations.

(p) "Federal Emergency Management Agency (FEMA)" means the agency with overall responsibility for administering the National Flood Insurance Program.

(q) "Grading" means earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

(r) "Impervious Cover" means any surface that cannot effectively absorb or infiltrate water. This includes, but is not limited to, roads, streets, parking lots, rooftops, and sidewalks.

(s) "Intermittent Stream" means a natural channel that may have some water in pools, but where surface flows are non-existent or interstitial (flowing through sand and gravel in stream beds) for periods of one week or more during typical summer months.

(t) "Larger Common Plan of Development or Sale" means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

(u) "Landslide" means the rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

(v) "Local County SWCD" means the Cuyahoga County Soil and Water Conservation District.

(w) "National Wetlands Inventory Map" means wetland maps that were created by the U.S. Fish and Wildlife Service and the U.S. Department of Interior.

(x) "Natural Resources Conservation Service (NRCS)" means an agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).

(y) "NPDES Permit" means a National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.

(z) "Noxious Weed" means any plant species defined by the Ohio Department of Agriculture as a "noxious weed" and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of these regulations shall prevail.

(aa) "Ohio EPA" means the Ohio Environmental Protection Agency.

(bb) "Ohio Wetlands Inventory Map" means wetland maps that were created by the Natural Resources Conservation Service, USDA, and the Ohio Department of Natural Resources.

(cc) "Ordinary High Water Mark" means the point of the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(dd) "Outfall" means an area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

(ee) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.

(ff) "Perennial Stream" means a natural channel that contains water throughout the year, except possibly during periods of extreme drought.

(gg) "Professional Engineer" means a person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.

(hh) "Qualified Forester" means any forester employed by the Ohio Department of Natural Resources, Division of Forestry, or any person attaining the credential of Certified Forester as conferred by the Society of American Foresters.

(ii) "Qualified Wetland Professional" means an individual qualified and competent in the areas of botany, hydric soils, and wetland hydrology, and is acceptable to the Director of Building and Housing as meeting these qualifications.

(jj) "Redevelopment" means the demolition or removal of existing structures or land uses and construction of new ones.

(kk) "Retention Basin" means a storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.

(ll) "Riparian Area" means the area adjacent to watercourses that if naturally vegetated and/or appropriately revegetated and appropriately sized, limits erosion, reduces flood flows, and/or filters and settles out runoff pollutants, or which performs other functions consistent with the purposes of these regulations.

(mm) "Riparian Setback" means those lands within the City that are alongside streams, and which fall within the area defined by the criteria set forth in these regulations.

(nn) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

(oo) "Sediment Control" means the limiting of sediment being transported, by controlling erosion or detaining sediment-laden water, and allowing the sediment to settle out.

(pp) "Sediment Pollution" means failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

(qq) "Sensitive Area" means an area or water resource that requires special management because of its susceptibility to sediment pollution or because of its importance to the well-being of the surrounding communities, region, or the state and includes, but is not limited to, the following:

(1) Ponds, wetlands or small lakes with less than five acres of surface area;

(2) Small streams with gradients less than ten feet per mile with average annual flows of less than 3.5 feet per second containing sand or gravel bottoms.

(3) Drainage areas of a locally designated or an Ohio designated Scenic River.

(4) Riparian and wetland areas.

(rr) "Sheet Flow" means water runoff in a thin uniform layer or rills and which is of a small enough quantity to be treated by sediment barriers.

(ss) "Silviculture" means the theory and practice of controlling forest establishment, composition and growth.

(tt) "Slip" means a landslide as defined under "Landslides."

(uu) "Sloughing" means a slip or downward movement of an extended

layer of soil resulting from the undermining action of water or the earth disturbing activity of man.

(vv) "Soil" means unconsolidated erodible earth material consisting of minerals and/or organics.

(ww) "Soil Conservation Service, USDA" means the federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.

(xx) "Soil Disturbing Activity" means clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, soil erosion and sediment pollution.

(yy) "Soil Erosion and Sediment Control" means a written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.

(zz) "Soil Erosion and Sediment Control Practices" means conservation measures used to control sediment pollution and includes structural practices, vegetative practices and management techniques.

(aaa) "Soil Survey" means the official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.

(bbb) "Storm Water Conveyance System" means all storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.

(ccc) "Stream" means a body of water running or flowing on the earth's surface, or a channel in which such flow occurs. Flow may be seasonally intermittent.

(ddd) "Substantial Damage" means damage of any origin sustained by a structure and the cost of restoring the structure to its before damaged condition would be equal to, or greater than, 50% of the market value of the structure before the damage occurred.

(eee) "USEPA" means the United States Environmental Protection Agency.

(fff) "100-Year Floodplain" means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year. For the purposes of this regulation, the 100-year floodplain shall be defined by FEMA or a site-specific Floodplain Delineation in conformance with standard engineering practices and the standards and criteria in the City's Floodplain Management Ordinance at Chapter 3167.

(ggg) "Watercourse" means any natural, perennial, or intermittent lake, pond, channel, stream, river, creek or brook with a defined bed and bank or shore.

(hhh) "Water Resources" means all streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters that do not combine or affect a junction with natural surface waters.

(iii) "Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally includes, but are not limited to lands and waters meeting this definition and otherwise often referred to as swamps, marshes, bogs, wetland meadows, ephemeral and tributary streams, vernal pools, reservoirs, ponds, lakes and the land under water bodies.

(jjj) "Wetland, Ohio EPA Category 2 Wetlands" means those wetlands classified by the Ohio EPA as Category 2 wetlands under OAC 3745-1-54(C)(2), or current equivalent Ohio EPA classification, under generally accepted wetland functional assessment methods acceptable to the U.S. Army Corps of Engineers and Ohio EPA at the time of application of this regulation.

(kkk) "Wetland, Ohio EPA Category 3 Wetlands" means those wetlands classified by the Ohio EPA as Category 3 wetlands under OAC 3745-1-54(C)(3), or current equivalent Ohio EPA classification, under generally accepted wetland functional assessment methods acceptable to the U.S. Army Corps of Engineers and Ohio EPA at the time of application of this regulation.

(lll) "Wetland Setback" means those lands within the City that fall within the area defined by the criteria set forth in these regulations.

(mmm) "Winter" means October 1st to April 1st of each year.

Section 351.05 Establishment of Designated Watercourses and Riparian Setbacks

(a) Designated watercourses shall include those watercourses meeting any one of the following criteria:

(1) All watercourses draining an area greater than square mile, or

(2) All watercourses draining an area less than square mile and having a defined bed and bank.

(3) In determining if watercourses have a defined bed and bank, the City may consult with a representative of the local county SWCD or other technical experts as necessary.

(b) Riparian setbacks on designated watercourses are established as follows:

(1) A minimum of 300 feet on each side of all watercourses draining an area greater than 300 square miles.

(2) A minimum of 120 feet on each side of all watercourses draining an area greater than 20 square miles and up to and including 300 square miles.

(3) A minimum of 75 feet on each side of all watercourses draining an area greater than one half square mile and up to and including 20 square miles.

(4) A minimum of 25 feet on each side of all watercourses draining an area less than one half square mile and having a defined bed and bank as determined above.

(c) Riparian Setback Map:

(1) The City shall use the map "Water Features of the City of Cleveland" produced by the City Planning Commission as the map identifying designated watercourses and their riparian setbacks. Nothing in this chapter shall prohibit the City from amending the map from time to time as may be necessary.

(2) At the time of application of this regulation, if any discrepancy is found between the map "Water Features of the City of Cleveland" and the criteria for designated watercourses, riparian setbacks, or wetland setbacks as set forth in these regulations, the criteria set forth in these regulations shall prevail.

(3) In reviewing and interpreting the maps, the City may consult with a representative of the local county SWCD and other technical experts as necessary.

(d) The following conditions shall apply in riparian and wetland setbacks:

(1) Riparian and wetland setbacks shall be measured in a perpendicular and horizontal direction outward from the ordinary high water mark of each designated watercourse and defined wetland boundary.

(2) Except as otherwise provided in this regulation, riparian and wetland setbacks shall be preserved in their natural state, except that non-conforming structures and non-conforming uses existing at the time of passage of this regulation may be continued in their existing state as determined in the these regulations. Riparian setbacks shall be established and marked in the field prior to any soil disturbing or land clearing activities.

(3) Where the 100-year floodplain is wider than a riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA and federal floodplain regulations and the City's Flood Plain Management Ordinances at Chapter 3167.

(4) Where a wetland is identified within a minimum riparian setback, the minimum riparian setback width shall be extended to the outermost boundary of the wetland. In addition, wetlands shall be protected to the extent detailed in these regulations.

(5) Wetlands shall be delineated by a site survey approved by the City using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time an application is made under this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetland shall apply. Any costs associated with reviewing these delineations may be assessed by the City to the applicant.

(e) The applicant or his or her designated representative shall be responsible for delineating riparian and wetland setbacks, including any expansions or modifications as required by these regulations, and identifying these setbacks on all property subdivision/property/parcel splits, commercial development or other land development plans, and/or building permit applications submitted to the City. This delineation may be done by a metes and bounds, or higher level survey and shall be subject to review and approval by the City. As a result of this review, the City may consult with a representative of the local county SWCD or other technical experts as necessary.

(f) Prior to any land clearing or soil disturbing activity, riparian and wetland setbacks shall be clearly delineated on site by the applicant or his or her designated representative, and

the delineation shall be maintained throughout soil disturbing activities.

(g) No approvals or subdivision plan approval, site plan approval, nor land development plan approval shall be issued by the City prior to on-site delineation of riparian and wetland setbacks in conformance with these regulations. No building permits that include land clearing or soil disturbing activities shall be issued by the City prior to delineation of riparian and wetland setbacks in conformance with these regulations.

(h) Upon completion of an approved property subdivision/property/parcel split, land development, or other improvement, riparian and wetland setbacks shall be permanently recorded on the plat records of the City.

Section 351.06 Establishment of Wetland Setbacks

Wetland setbacks are established as follows:

(a) A minimum of 120 feet surrounding and including all Ohio EPA Category 3 Wetlands, or current equivalent Ohio EPA classification.

(b) A minimum of 75 feet surrounding and including all Ohio EPA Category 2 Wetlands, or current equivalent Ohio EPA classification.

Section 351.07 Procedure for Wetland Setbacks

(a) No change to parcel boundaries or land use change:

(1) Upon filing a request for a building permit that does not involve changing of any parcel boundaries or changes in land use, the applicant will check for indicators of wetlands on the National Wetlands Inventory maps, and Ohio Wetlands Inventory map, and the Cuyahoga County Wetlands Inventory (if applicable). A photocopy of the applicable section of each map will be attached to the permit application.

(2) If a potential wetland is shown on any of the maps or if there is reason for the City to believe that an unmapped wetland exists on or within 120 feet of the project site, the applicant will retain a qualified wetland professional to evaluate the proposed project site for wetlands or wetland buffer areas under this chapter. If no wetland or wetland buffer areas are found, the applicant shall submit a letter from the qualified wetland professional with the preliminary plat or permit application verifying his or her negative findings.

(b) New residential or commercial or other type development and projects involving a change to parcel boundaries or a land use change:

Upon filing a request for approval of a preliminary plat or building permit for new representative shall ensure that all wetlands are identified and wetland setbacks are delineated. The applicant shall check for indicators of wetland on the National Wetlands Inventory maps, and Ohio Wetlands Inventory map, and the Cuyahoga County Wetlands Inventory (if applicable). If a potential wetland is shown on any of the maps or if there is any other reason for the City to believe that an unmapped wetland exists on or within 120 feet of the project site, the applicant shall retain a qualified wetland professional to survey the proposed development site for wetlands or wetland buffer areas under this chapter. If no wetlands are found, the applicant or his or her representative shall retain a qualified

wetland professional to survey the proposed development site for wetlands. If no wetlands are found, the applicant or his or her designated representative shall submit a letter with the preliminary plat or permit application verifying that a qualified wetland professional has surveyed the site and found no wetlands. If wetlands are found, the following procedures shall be followed:

(1) A qualified wetland professional, acceptable to the Director of Building and Housing, shall determine the presence of Ohio EPA Category 2 or 3 wetlands (or current equivalent Ohio EPA classification) on the proposed development site using the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of this regulation. Acceptance of this determination shall be subject to approval by the Director of Building and Housing.

(2) If Ohio EPA Category 2 or 3 wetlands (or current equivalent Ohio EPA classification) are located on the proposed development site, the applicant or his or her designated representative shall delineate these wetlands and the wetland setback in conformance with these regulations. The applicant or his or her designated representative shall identify all delineated wetlands and their associated setbacks on all property subdivision/property/parcel split plans, land development plans, and/or permit applications submitted to the City.

(c) Wetlands shall be delineated by a site survey, approved by the City, using delineation protocols accepted by the US Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetland shall apply.

(d) Wetland setbacks shall be delineated through a metes and bounds, or higher level, survey subject to approval by the City.

(e) Prior to any soil or vegetation disturbing activity, the applicant or his or her designated representative shall delineate wetland setbacks on the development site in such a way that they can be clearly viewed, and such delineation shall be maintained throughout construction.

(f) No approvals or permits shall be issued by the City prior to delineation of wetland setbacks in conformance with this regulation.

(g) Upon completion of an approved property subdivision/property/parcel split, commercial development or other land development or improvement, riparian and wetland setbacks shall be permanently recorded on the plat records for the City and shall be maintained as open space thereafter through a permanent conservation easement. A third party, not the landowner or permittee or the City, which is allowed by state law, shall be given the conservation easement. If no third party will accept the conservation easement, the City shall accept it and protect it in perpetuity.

Section 351.08 Uses Permitted in Riparian and Wetland Setbacks

(a) *By-Right Uses Without A Permit:* No use permitted under these regulations shall be construed as allowing public trespass on privately held

lands. Open space uses that are passive in character shall be permitted in riparian and wetland setbacks, including the following:

(1) *Recreational Activity.* Passive recreational use activity, as otherwise legally permitted by federal, state, and local laws, such as hiking, swimming, fishing, hunting, picnicking, and similar uses.

(2) Removal of damaged or diseased trees and control of noxious weeds if the control does not involve drainage or fill.

(3) *Revegetation and/or Reforestation.* Riparian and wetland setbacks may be revegetated, enhanced or restored. Any revegetation must be performed with non-invasive plant species. Refer to the Ohio Invasive Plant Species list created by the Ohio Department of Natural Resources to determine invasive plant species undesirable for revegetation, reforestation, or restoration of riparian areas.

(4) Conservation of soil, vegetation, water, fish, and wildlife consistent with the purposes of this chapter that does not involve hydrologic modification or fill.

(5) *Maintenance of lawns, gardens and landscaping:* Lawns, gardens and landscaping that existed at the time this chapter was enacted, may be maintained as long as they are not increased in size to further encroach onto the riparian area, wetland or watercourse. In that case, trees, shrubbery and other non-lawn wood vegetation in the riparian or wetland setback must be maintained to the extent practicable to reduce the impact to the riparian area, wetland or watercourse.

(b) *By-Right Uses With A Permit:*

(1) *Streambank Stabilization and Erosion Control Measures.* Any activity not prohibited by the regulations that also involves streambank stabilization and erosion control measures may be performed in regulated areas as long as it is conducted under the standards and specifications in the current edition of Ohio's Rainwater and Land Development manual or other standards acceptable to Ohio EPA.

(2) *Crossings.* Crossings of designated watercourses and through riparian setbacks or wetland setbacks by publicly and privately owned roads, drives, sewer and/or water lines and public and private utility transmission lines shall only be allowed upon approval of a Crossing Plan by the Manager of Engineering and Construction. Such crossings shall minimize disturbance in riparian setbacks, wetland setbacks, and watercourse substrate and shall mitigate any necessary disturbances. Soil erosive materials will not be used in making stream crossings.

(3) *Construction of Fencing.* Construction of fencing shall be allowed with the condition that reasonable efforts be taken to minimize the destruction of existing vegetation, provided that the fence does not impede stream or flood flow, and the disturbed area is replanted to the natural or preexisting conditions before the addition of the fence, as approved by the Director of Building and Housing.

Section 351.09 Uses Prohibited in Riparian and Wetland Setbacks

Any use not authorized under this chapter shall be prohibited in riparian and wetland setbacks. By way of

example, the following uses are specifically prohibited; however, prohibited uses are not limited to those examples listed here:

(a) *Construction*. There shall be no structures of any kind.

(b) *Dredging or Dumping*. There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquid, or solid materials, except for non-commercial composting of uncontaminated natural materials, and except as permitted under this chapter.

(c) *Roads or Driveways*. There shall be no roads or driveways permitted in riparian and/or wetland setback area, except as permitted under this chapter.

(d) *Motorized Vehicles*. There shall be no use of motorized vehicles, except as permitted under this chapter.

(e) *Disturbance of Natural Vegetation*. There shall be no disturbance, including mowing, of the natural vegetation, except for conservation maintenance necessary to control noxious weeds; for plantings that are consistent with this regulation; for disturbances that are approved under this chapter; and for the passive enjoyment, access, and maintenance of landscaping or lawns existing at the time of passage of this regulation as provided in the chapter.

(f) *Parking Lots*. There shall be no parking lots or other human-made impervious cover, except as permitted under this chapter.

(g) *New Surface and/or Subsurface Sewage Disposal or Treatment Areas*. Riparian and wetland setbacks shall not be used for the disposal or treatment of sewage except under local county Board of Health regulations in effect at the time of application of this regulation.

(h) *Crossings*. Crossings of designated riparian and wetland setbacks by publicly and privately owned sewer and/or water lines and small public and small private utility transmission lines in accordance with a permit or regulatory exemption issued by, or under the regulations of, the US Army Corps of Engineers and the Ohio EPA.

(i) *Other permits and approvals*. Nothing in this chapter shall be construed as exempting any person from obtaining other permits by other agencies that may be required, including permits from the US Army Corps of Engineers and/or the Ohio EPA under the federal and state Clean Water Acts.

Section 351.10 Non-Conforming Structures or Uses in Riparian and Wetland Setbacks

(a) A non-conforming use within a riparian and wetland setback that is in existence at the time of passage of this regulation and that is not otherwise permitted under these regulations, may be continued. However, the use shall not be changed or enlarged unless it is changed to a use permitted under these regulations.

(b) A non-conforming structure within a riparian or wetland setback that is in existence at the time of passage of this regulation and that is not otherwise permitted under these regulations, may be continued, but shall not have the existing building footprint or roofline expanded or enlarged.

(c) A non-conforming structure or use or deteriorated structure within a riparian and wetland setback that is

in existence at the time of passage of this regulation and that is discontinued, terminated, or abandoned for a period of six (6) months or more, may not be revived, restored, or re-established. This section shall not apply to a structure that is vacant and that is not subject to condemnation orders by the Director of Building and Housing unless the vacant structure has been destroyed or damaged for more than 50% of its value by flooding, wind, fire, or other natural or man-made force. This section shall also not prohibit ordinary repairs to a residence or residential accessory building that are not in conflict with other provisions of this chapter.

(d) In the case of a non-conforming structure within a riparian or wetland setback, the City will allow a ten (10) foot maintenance access zone measured perpendicular to the structure, to temporarily extend further into the setback as long as disturbance to existing vegetation is minimized and vegetation is restored to the pre-existing state, as near as practical, upon completion. If any soil disturbance in a wetland will occur as part of any such maintenance activity, a permit from the U. S. Army Corps of Engineers or the Ohio EPA, as appropriate, must be submitted prior to the onset of the soil disturbing activity.

(e) In the case of a non-conforming residential structure, the Director of Building and Housing may allow minor upgrades to the structure that extend further into the riparian setback, such as awnings and pervious decks/patios, provided the modifications do not extend more than ten (10) feet further toward the watercourse than the original foundation of the structure existing at the time of passage of this regulation, and further provided that the modification will not impair the function of the riparian zone or wetland nor destabilize any slope nor stream bank, as determined by the Director of Building and Housing.

Section 351.11 Variances within Riparian and Wetland Setbacks

(a) The Board of Zoning Appeals may grant a variance from this regulation as provided in these codified ordinances. In determining whether there is unnecessary hardship or practical difficulty to justify the granting of a variance, the Board of Zoning Appeals shall consider the potential harm to, or reduction in the functions of, the riparian area or wetland area that may be caused by a proposed structure or use.

(b) In making a variance determination, the Board of Zoning Appeals shall consider the following:

(1) Varying the front, rear and side yard setback before the riparian and wetland setbacks are varied.

(2) Variances should not be granted for asphalt or concrete paving in the riparian and wetland setbacks in any situation where gravel or porous pavement (i.e., porous pavers, and similar products) will do the job.

(c) In making a variance determination, the Board of Zoning Appeals may consider the following:

(1) A parcel existing at the time of enactment of this chapter is made unbuildable.

(2) The soil type and natural vegetation of the parcel, as well as the percentage of the parcel that is in the 100-year floodplain. The standards and

criteria for granting variances in the City's Flood Plain Management Ordinances at Chapter 3167 may be used as guidance.

(3) The extent to which the requested variance impairs the flood control, soil erosion control, sediment control, water quality protection, ecological functions, or other functions of the riparian area or wetland area. This determination shall be based on sufficient technical and scientific data.

(4) The degree of hardship with respect to the use of the property or the degree of practical difficulty with respect to maintaining the setback as established in this chapter placed on the landowner, and the availability of alternatives to the proposed structure or use.

(5) Soil disturbing activities permitted in a riparian setback areas or wetland setback areas through variances should be controlled in order to minimize clearing to the maximum extent possible, and must include Best Management Practices necessary to minimize soil erosion and maximize sediment control.

(6) The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in or near the riparian setback areas or wetland setback areas that compromises the benefits of the riparian setback areas or wetland setback areas received by the City.

(7) Whether the benefit of reduction of storm water infiltration into the soil in wetland areas will be lost.

(8) If the request is for an above-ground fence, whether it increases the existing area of mowed grass or lawn.

(9) Whether parking needs can be modified before varying the riparian setback.

(10) Whether the building shape, size or design can be modified to avoid or minimize intrusion into the riparian setback.

(11) In the case of a lot made unbuildable by this regulation, the minimum variance needed to make it buildable for an appropriately-sized and compatibly-designed structure, while following the guidance provided in this section.

(12) Whether the variance will increase the likelihood of flood or erosion damage to either the applicant's property or to other properties.

(13) Culverting of watercourses should be avoided.

(14) Whether the variance will result in the need for artificial slope or bank stabilization measures that could interfere with the function of the riparian or wetland zone.

Section 351.12 Mitigation

All riparian or wetland restoration, creation and/or enhancement projects required under this chapter either as a permit condition or as a result of an enforcement action shall follow a mitigation plan prepared by a qualified professional and approved by the Director of Building and Housing. The applicant or violator shall receive written approval of the mitigation plan by the Director of Building and Housing prior to commencement of any wetland area restoration, creation or enhancement activity. To realize preservation goals, the City will use the following methods of riparian or wetland impact mitigation in order of preference:

(a) The applicant shall avoid all impacts that degrade the functions

and value of the wetland. Unless otherwise provided in this chapter if alteration to the area is unavoidable, all adverse impacts to the area and associated buffer resulting from a development proposal shall be mitigated under an approved wetland report and an approved mitigation plan.

(b) Mitigation shall be in-kind and onsite, when possible, and sufficient to maintain the functions and values of the riparian/wetland area.

(c) Mitigation shall not be implemented until after the Director of Building and Housing or his designated authority has approved the appropriate wetland report and mitigation plan.

(d) *Mitigation measures.* Mitigation shall achieve equivalent or greater biological and habitat functions as existed in wetland prior to mitigation. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to these areas. When an alteration is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:

(1) Avoid impact altogether by not taking a certain action or parts of an action;

(2) Minimize impact by limiting the degree or magnitude of the action by project redesign, relocation, timing changes, or technological applications;

(3) Rectifying the impacts to wetlands, frequently flooded areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to conditions equal to or higher quality than at the time of initiation of the project;

(4) Restoring, replacing, or enhancing the wetland on site of the project;

(5) Restoring, replacing, or enhancing degraded riparian corridors/wetlands in the same sub-basin;

(6) Preserving high quality wetlands that are under eminent threat;

(7) Reduce or eliminate the impact over time by prevention and maintenance operations during the life of the actions;

(8) Compensate for the impact by replacing, enhancing or providing substitute resources or environments;

(9) All mitigation efforts will be monitored and remedial action taken if necessary

(10) Mitigation actions shall be conducted within the same sub-drainage basin and on the impacted site.

Section 351.13 Monitoring Program

The mitigation plan shall include a program for monitoring construction, and for assessing a completed project by a riparian corridor/wetland specialist. A protocol for the schedule of monitoring and reporting shall be implemented that verify the performance standards are being met. The period of monitoring shall be adequate to verify that the performance goals and objectives are being met and will vary at the discretion of the Director of Building and Housing, or his designated authority. Monitoring would never be less than three years.

Section 351.14 Financial Guarantees

The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. The requirement of financial guarantees is at the discretion of the Director of Building

and Housing based on the size, complexity, and cost of the mitigation project. If financial guarantees are required they shall be of sufficient funding to ensure mitigation, maintenance, and monitoring.

Section 351.15 Boundary Interpretation and Appeals Procedure

Any applicant seeking a variance to the regulations or criteria under this chapter or any appeal of an administrative order made under this chapter may request the variance or make an appeal to the Board of Zoning Appeals. The following procedures shall apply:

(a) Before filing the request or appeal, when an applicant or his or her designated representative disputes the boundary of a riparian or wetland setback or the ordinary high water mark of a watercourse, the applicant or his or her designated representative shall submit documentation to the Director of Building and Housing which describes the boundary, the applicant's proposed boundary, and justification for the proposed boundary change.

(b) The Department of Building and Housing shall evaluate this documentation and shall make a determination within sixty (60) days. If during this evaluation the Department of Building and Housing requires further information, it may be required of the applicant. In the event that the Department of Building and Housing requests such additional information, the sixty (60) day period for determination shall be postponed until the applicant provides the information.

(c) If the applicant does not receive the determination regarding the boundary dispute within 60 days, the applicant's submission shall be considered denied and the denial may be appealed to the Board of Zoning Appeals within 30 days. In the event the applicant receives an adverse determination, that determination may be appealed to the Board of Zoning Appeals within 30 days.

Section 351.16 Inspection of Riparian and Wetland Setback

The delineation of riparian setbacks or wetland setbacks may be inspected by the City, as follows:

(a) Prior to any soil disturbing activities authorized by the City for a property subdivision/property/parcel split, land development plan, and/or building permit. The applicant or his or her designated representative shall provide the Department of Building and Housing with at least five (5) working days' notice under this chapter prior to starting soil disturbing or land clearing activities.

(b) Prior to starting any of the activities authorized by this chapter, the applicant or his or her designated representative shall provide the Department of Building and Housing with at least five (5) working days' notice prior to starting the activities.

(c) Any time evidence is brought to the attention of the City that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

Section 351.17 Disclaimer of Liability

Neither submission of a plan under the provisions of this chapter, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility

for damage to any person or property that is otherwise imposed by law.

Section 351.18 Conflicts, Severability, Nuisances & Responsibility

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by other City provisions of law, ordinance, contract or deed, the provisions of this chapter shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected.

(c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on his or her property. Compliance with the provisions of this regulation shall not be a defense in any action to abate the nuisance.

(d) Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in the City, its officers, employees, or agents being responsible for any condition or damage resulting there from.

Section 351.19 Authority to Stop Work

Upon notice from the Director of Building and Housing, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. The notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which the work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Director of Building and Housing may require that work be stopped upon verbal order pending issuance of the written order.

Section 2. That Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 899-06, passed August 16, 2006, is amended to read as follows:

Section 327.99 Penalty

(a) Except as provided in divisions (c) and (d) below, any person, firm or corporation who violates any of the provisions of this Zoning Code or who fails to comply shall, for each and every violation or failure, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or imprisoned for not less than ten (10) days, nor more than ninety (90) days, or both. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist under notification thereof.

(b) The imposition of any penalty under this division shall not be construed as excusing or permitting the continuance of any violation, and when the violation constitutes a nuisance, any owner of the premises, whether the owner at the time the violation was committed or his or her assignee, shall be deemed guilty of a violation of this Zoning Code each day he or she permits such nuisance to continue unabated after due notice from the Director of Building and Housing of the existence of such nuisance.

(c) Any person, firm, or corporation who violates any provision of Section 337.16 of this Zoning Code or who fails to comply shall, for each and every violation or failure, be fined not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00) which fine shall not be reduced, waived or suspended. In addition, imprisonment for not less than ten (10) days nor more than ninety (90) days may be imposed. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist after notification thereof.

(d) Whoever violates Sections 337.23, 347.02, 347.10, 349.02, 349.04, 349.13, 350.19, 357.13, or 357.14 or Section 347.08 as a first offense of that section shall be fined not more than one hundred fifty dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(e) Whoever violates Section 347.08 as a second offense of that section shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days, or both. Whoever violates Section 347.08 as a third or subsequent offense of that section shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both.

(f) Whoever violates or fails to comply with any provision of Chapter 351 is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

Section 3. That existing Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 899-06, passed August 16, 2006, is repealed.

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

Passed October 17, 2016.
Effective October 19, 2016.

Ord. No. 1019-16.
By Council Members Brady and Kelley (by departmental request).

An emergency ordinance to amend Sections 1, 3, 4, and 5 of Ordinance No. 578-16, passed June 6, 2016; and to supplement the ordinance by adding new Sections 5a and 7a relating to appropriating bond funds for ongoing sewer-related projects.

Whereas, certain contracts for public improvement by requirement contracts exist or are in various stages of completion previously authorized by Codified Ordinance Nos. 129.291 and 129.292 are now eligible to use bond funds from the recent bond issue; and

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

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

Section 1. That Sections 1, 3, 4 and 5 of Ordinance No. 578-16, passed June 6, 2016, are amended to read as follows:

Section 1. That Council appropriates up to \$4,000,000 from Fund No. 54 SF 400 to be certified to Contract No. 2015*043 with Perk Company, Inc., for constructing and installing replacement sewers and repairing and rehabilitating existing sewers.

Section 3. That Council appropriates up to \$2,599,868 from Fund No. 54 SF 400 to be certified to Contract No. PIRC 2016*1 with Perk Company, Inc., for constructing and repairing catch basins and manholes at various locations, which contract was approved by the Board of Control in Resolution No. 23-16, adopted January 20, 2016.

Section 4. That Council appropriates up to \$2,633,335 from Fund No. 54 SF 400 to be certified to Contract No. PI 2016*19 with United Survey, Inc., for rehabilitating and relining sewers at various locations, which contract was approved by the Board of Control in Resolution No. 155-16, adopted April 13, 2016.

Section 5. That Council appropriates up to \$2,018,396 from Fund No. 54 SF 400 to be certified to Contract No. PI 2016*25 with Terrace Construction Company for rehabilitating and repairing sewer connections at various locations, which contract was approved by the Board of Control in Resolution No. 157-16, adopted April 13, 2016.

Section 2. That existing Sections 1, 3, 4 and 5 of Ordinance No. 578-16, passed June 6, 2016, are repealed.

Section 3. That Ordinance No. 578-16, passed June 6, 2016, is supplemented by adding new Sections 5a and 7a to read as follows:

Section 5a. That Council appropriates \$586,873.96 from Fund No. 54 SF 400 to be certified to a contract with Perk Company, Inc. for constructing and repairing catch basins and manholes at various locations.

Section 7a. That the cost of the contracts authorized in this ordinance shall be paid from funds appropriated on an as-needed basis for these purposes.

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 October 17, 2016.

Effective October 19, 2016.

Ord. No. 1032-16.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with Motorola Solutions, Inc. for professional services necessary to maintain the existing video surveillance system, for a period of three years, with three one-year options to renew, the first and third of which require additional legislative authority.

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

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

Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with Motorola Solutions, Inc. for professional services necessary to maintain the existing video surveillance system, for a period of three years, with three one-year options to renew, in the total sum of \$233,013, for the Department of Public Safety. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercised at the option of the Director of Public Safety, without the necessity of obtaining additional authority of this Council. The third one-year option to renew may not be exercised by the Director of Public Safety without additional legislative authority. The contract or contracts shall be paid from Fund No. 01-6001-6612, Request No. RQS 6001, RL 2016-96.

Section 2. That the contract shall require that the Director of Public Safety ensure that a representative from Motorola Solutions, Inc. shall appear as frequent as every six months before the Safety Committee concerning activities under the contract, when such appearance has been scheduled by the committee.

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 October 17, 2016.

Effective October 19, 2016.

Ord. No. 1035-16.

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

An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract No. PI 2014-55 with The Ryan Company, Inc. for the construction of the Ridge Road Substation ring bus project, for the Division of Cleveland Public Power.

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 the following alterations and modifications in Contract No. PI 2014-55 with The Ryan Company, Inc. for the construction of the Ridge Road Substation ring bus project, for the Division of Cleveland Public Power:

Subsidiary Additions

| | |
|---|-----------------------|
| Unanticipated field conditions that required redesign of the substation foundations and related changes in the drainage system, grounding system, and fencing | |
| Various schedule changes needed to preserve the reliability of the CPP transmission system during construction | \$350,000.00 |
| Total Subsidiary Additions: | \$350,000.00 |
| Original Contract Amount | \$4,028,420.00 |
| Total Subsidiary Additions | <u>+ 350,000.00</u> |
| TOTAL REVISED CONTRACT AMOUNT | \$4,378,420.00 |

which alteration has been recommended in writing by the Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Public Utilities and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$350,000 to be paid from Fund No. 58 SF 230, RQS 2004, RL 2016-88.

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 October 17, 2016.
Effective October 19, 2016.

Ord. No. 1140-16.
By Council Members Brady and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 2015-23 with Energy Mechanical Corp., Inc. to provide labor and materials for maintenance, repair, enhancement and/or replacement of heating, ventilation and air conditioning systems, for the various divisions of the Department of Public Utilities; and to amend the contract to include the Office of Radio Communications.

Whereas, under the authority of Ordinance No. 1340-13, passed November 11, 2013, the Director of Public Utilities entered into Contract No. MA 2015-23 with Energy Mechanical Corp., Inc. to provide labor and materials for maintenance, repair, enhancement and/or replacement of heating, ventilation and air conditioning systems; and

Whereas, Ordinance No. 1340-13 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. MA 2015-23 for an additional year, with Energy Mechanical Corp., Inc. for the requirements for the additional year of the labor and materials for maintenance, repair, enhancement and/or replacement of heating, ventilation and air conditioning systems for the various divisions of the Department of Public Utilities. This ordinance constitutes the additional legislative authority required by Ordinance No. 1340-13 to exercise this option.

Section 2. That the Director of Public Utilities is authorized to enter into

an amendment to Contract No. MA 201-23 with Energy Mechanical Corp., to include the Office of Radio Communications.

Section 3. That the cost of the additional year and the contract amendment 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 2016-31)

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 October 17, 2016.
Effective October 19, 2016.

Ord. No. 1141-16.
By Council Members Brady and Kelley (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing the East 103 Street, East 115 Street, East 186 Street, Elgin Avenue, Rockport Avenue, Thrush Avenue, West 83 Street, and West 123 Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing the East 103 Street, East 115 Street, East 186 Street, Elgin Avenue, Rockport Avenue, Thrush Avenue, West 83 Street, and West 123 Street area sewer replacement or rehabilitation projects ("the Improvement"), which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Director of Public Utilities is authorized to apply for and accept one or more grants from various public agencies, including but not limited to the Northeast Ohio Regional Sewer District, for the purposes of this ordinance; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant or grants; and that the funds are appropriated for the purposes described in this ordinance.

Section 4. That the cost of the Improvement authorized shall be paid from Fund Nos. 54 SF 001, 54 SF 400, from the fund or funds to which are credited any grant funds received from a public agency, including the

Northeast Ohio Regional Sewer District, and from the fund or funds to which are credited the proceeds from the sale of future sewer bonds, if issued for this purpose, Request No. RQS 2003, RL 2016-94.

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 October 17, 2016.
Effective October 19, 2016.

Ord. No. 1166-16.
By Council Members Brady and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into an amendment to Contract No. PS 2013-97 with IBM Corporation to provide additional processors and memory needed to host and administer the Oracle customer care and billing system necessary due to the migration to monthly billing, for the Division of Water, 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 the Director of Public Utilities is authorized to enter into an amendment to Contract No. PS 2013-97 with IBM Corporation to provide additional processors and memory needed to host and administer the Oracle customer care and billing system necessary due to the migration to monthly billing, for the Division of Water, Department of Public Utilities. All other terms and conditions contained in the contract shall remain the same.

Section 2. That the amendment shall be prepared by the Director of Law.

Section 3. That the costs of the amendment shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2016-98.

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 October 17, 2016.
Effective October 19, 2016.

COUNCIL COMMITTEE MEETINGS

**Monday October 24, 2016
2:00 p.m.**

Safety Committee & Finance Committee: Present in Safety: Zone, Chair; Conwell, Vice Chair; Keane, McCormack. *Authorized Absence:* Mitchell. *Unauthorized Absence:* Kazy, Polensek.

Present in Finance: Kelley, Chair; Cleveland, Vice Chair; Brancatelli, Conwell, Keane, Zone. *Authorized Absence:* Brady, Mitchell, Pruitt.

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

**Tuesday October 25, 2016
1:30 p.m.**

Utilities Committee: Present: Vice Chair, Brady, Brancatelli, Cummins, Keane, Polensek. *Authorized Absence:* Pruitt, Chair; Mitchell.

Index

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

Agreements

- 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 The Cleveland Clinic Foundation to encroach into the public rights of way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges. (O 1282-16) 1576
- Authorizing the Director of Public Safety to enter into an agreement with Court Community Services to establish and manage a work program at the House of Corrections for eligible inmates and to place the inmates into the work program for a period up to one year; and amend Section 135.59 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by Ordinance No. 1871 06 passed December 11, 2006, relating to inmate labor. (O 1280-16)..... 1576
- Authorizing the Director of Public Utilities to apply for NEORS Community Cost Share Program Funds; to enter into an agreement with The Cleveland Metroparks to serve as a sub grantee to design, construct and maintain up to four bioretention cells at Wildwood Park, for the Office of Sustainability, Department of Public Utilities, for a period of at least fifteen years. (O 1279-16) 1575
- To amend Section 9 of Ordinance No. 856 07, passed May 21, 2007, as amended by various ordinances, relating to authorizing development agreements for Community Reinvestment Areas under Section 3735.65 et seq. of the Revised Code. (O 1274-16) 1574

Airport Division

- To amend Section 571.01 and 571.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 325-04, passed May 10, 2004, relating to City Airport definitions and vehicles for hire; and to supplement the codified ordinances by enacting new Section 571.131, relating to Transportation Network Services and Fees. (O 773-16) 1579

Board of Building Standards and Building Appeals

- Adeline Avenue, 10817 (Ward 11) — Anna Felix, owner — appeal resolved on 10/19/16 (Doc. A-172-16) 1584
- Baltic Road, 9607 (Ward 11) — Jeff Burgett, owner — appeal resolved on 10/19/16 (Doc. A-177-16) 1584
- Cedar Avenue, 7405 (Ward 5) — James R. Billups c/o Joan Hampton, owner — appeal adopted on 10/19/16 (Doc. A-121-16)..... 1584

| | |
|--|------|
| Clark Avenue, 4210 (Ward 3) — Ashley Cordona, owner — appeal resolved on 10/19/16 (Doc. A-161-16) | 1583 |
| Colgate Avenue, 7014 (Ward 15) — Neil T. Clough, owner — appeal postponed to 11/16/16 on 10/19/16 (Doc. A-167-16) | 1583 |
| East 111th Street, 1211 (Ward 9) — Eloise Allen, owner — appeal resolved on 10/19/16 (Doc. A-174-16) | 1584 |
| East 124th Street, 404 (Ward 8) — Mountainside Realty Ventures, owner — appeal resolved on 10/19/16 (Doc. A-176-16) | 1584 |
| East 85th Street, 1316 (Ward 7) — Edith D. Pace, owner — appeal postponed to 11/2/16 on 10/19/16 (Doc. A-155-16) | 1583 |
| East 85th Street, 2382 (Ward 6) — April C. Kenney, owner — appeal adopted on 10/19/16 (Doc. A-129-16) | 1584 |
| Erin Avenue, 3302 (Ward 3) — Midfirst Bank, owner — appeal resolved on 10/19/16 (Doc. A-166-16) | 1583 |
| Florian Avenue, 11316 (Ward 9) — U.S. Bank N.A., owner — appeal withdrawn on 10/19/16 (Doc. A-173-16) | 1584 |
| Harland Avenue, 17501 (Ward 8) — James Delmar, owner — appeal resolved on 10/19/16 (Doc. A-171-16) | 1583 |
| Larchwood Avenue, 17725 (Ward 17) — Brian A. Drottar, owner — appeal resolved on 10/19/16 (Doc. A-170-16) | 1583 |
| Milan Avenue, 12014 (Ward 11) — Dvorak Family Trust, owner — appeal adopted on 10/19/16 (Doc. A-138-16) | 1584 |
| Pacific Avenue, 5701 (Ward 14) — Jondarr Bradshaw, owner — appeal resolved on 10/19/16 (Doc. A-169-16) | 1583 |
| Royal Road, 865 (Ward 8) — Franklin T. Champayne, owner — appeal adopted on 10/19/16 (Doc. A-124-16) | 1584 |
| Sylvia Avenue, 14301 (Ward 8) — Rockstar Total Family Salons and Body Art Studio's, LLC, owner — appeal adopted on 10/19/16 (Doc. A-133-16) | 1584 |
| West 106th Street, 1305 (Ward 15) — Dollar Bank Servicing Center, owner — appeal adopted on 10/19/16 (Doc. A-137-16) | 1584 |
| West 106th Street, 1305 (Ward 15) — Gretchen Collins, owner — appeal adopted on 10/19/16 (Doc. A-136-16) | 1584 |
| West 29th Street, 2150 (Ward 3) — Barbara Clark, owner — appeal adopted on 10/19/16 (Doc. A-134-16) | 1584 |
| West 94th Street, 3431 (Ward 11) — Berardi Properties, Inc., owner — appeal resolved on 10/19/16 (Doc. A-178-16) | 1584 |
| West Avenue, 13517 (Ward 16) — Nadine Bechtel, owner — appeal resolved on 10/19/16 (Doc. A-168-16) | 1583 |
| Woodside Avenue, 12717 (Ward 10) — Abdul Hameed, owner — appeal resolved on 10/19/16 (Doc. A-175-16) | 1584 |

Board of Control — Capital Projects Office

| | |
|---|------|
| Clark Avenue improvements (Lorain Ave. to W. 41st St.) — per Ord. 1101-15 to Perk Company, Inc. — Division of Engineering and Construction (BOC Res. 436-16) | 1580 |
|---|------|

Board of Control — Cleveland Public Power Division

| | |
|--|------|
| Online Consumer Engagement Program — per Ord. 702-16 to Brillieny, Inc. — Dept. of Public Utilities (BOC Res. 433-16) | 1580 |
|--|------|

Board of Control — Community Development Department

| | |
|--|------|
| Laisy Avenue, 9200 (Ward 6) — PPN 127-13-046 — Valarie J. McCall (BOC Res. 437-16) | 1580 |
|--|------|

Board of Control — Engineering and Construction Division

| | |
|---|------|
| Clark Avenue improvements (Lorain Ave. to W. 41st St.) — per Ord. 1101-15 to Perk Company, Inc. — Office of Capital Projects (BOC Res. 436-16) | 1580 |
|---|------|

Board of Control — Land Reutilization Program

| | |
|--|------|
| Laisy Avenue, 9200 (Ward 6) — PPN 127-13-046 — Valarie J. McCall (BOC Res. 437-16) | 1580 |
|--|------|

Board of Control — Port Control Department

| | |
|--|------|
| Financial consulting services — approve subcontractor — Contract #PS2013*025 per BOC Res. 30-13 (BOC Res. 435-16) | 1580 |
| Integrated Fire and Security System — assign Contract No. RC2013*076 per Ord. 1530-12 to Johnson Controls, Inc. (BOC Res. 434-16) | 1580 |

Board of Control — Professional Service Contracts

| | |
|--|------|
| Financial consulting services — approve subcontractor — Contract #PS2013*025 per BOC Res. 30-13 — Dept. of Port Control (BOC Res. 435-16) | 1580 |
| Online Consumer Engagement Program — per Ord. 702-16 to Brillieny, Inc. — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 433-16) | 1580 |

Board of Control — Public Improvement Contracts

Clark Avenue improvements (Lorain Ave. to W. 41st St.) — per Ord. 1101-15 to Perk Company, Inc. — Division of Engineering and Construction, Office of Capital Projects (BOC Res. 436-16) 1580

Phase 2 AMR Deployment — per Ord. 655-15 — all bids rejected — Division of Water, Dept. of Public Utilities (BOC Res. 432-16)..... 1580

Board of Control — Public Utilities Department

Online Consumer Engagement Program — per Ord. 702-16 to Brillieny, Inc. — Division of Cleveland Public Power (BOC Res. 433-16) 1580

Phase 2 AMR Deployment — per Ord. 655-15 — all bids rejected — Division of Water (BOC Res. 432-16)..... 1580

Board of Control — Requirement Contracts

Integrated Fire and Security System — assign Contract No. RC2013*076 per Ord. 1530-12 to Johnson Controls, Inc.- Dept. of Port Control (BOC Res. 434-16) 1580

Board of Control — Water Division

Phase 2 AMR Deployment — per Ord. 655-15 — all bids rejected — Dept. of Public Utilities (BOC Res. 432-16) 1580

Board of Zoning Appeals — Report

Corlett Avenue, 11701 (Ward 2) — Darnell Dozier, owner — appeal dismissed on 10/24/16 (Cal. 16-239) 1582

Franklin Boulevard, 5718 (Ward 15) — Jim Alves, owner — appeal heard on 10/24/16 (Cal. 16-228) 1582

Franklin Boulevard, 5720 (Ward 15) — Jim Alves, owner — appeal heard on 10/24/16 (Cal. 16-230) 1582

Franklin Boulevard, 5724 (Ward 15) — Jim Alves, owner — appeal heard on 10/24/16 (Cal. 16-229) 1582

Gaylord Avenue, 9349 (Ward 2) — Continental Contracting, owner — appeal granted and adopted on 10/24/16 (Cal. 16-208) 1582

Gertrude Avenue, 6920 (Ward 12) — Walter Eddy, owner — appeal heard on 10/24/16 (Cal. 16-251) 1582

Groewood Avenue, 17625 (Ward 8) — Salvation Army, owner — appeal granted and adopted on 10/24/16 (Cal. 16-259) 1583

Hamilton Avenue, 2600 (Ward 7) — Flexco Incorporated, owner — appeal postponed to 11/14/16 on 10/24/16 (Cal. 16-236) 1582

Lorain Avenue, 10500 (Ward 11) — Emir Abeid, owner — appeal heard on 10/24/16 (Cal. 16-254) 1582

Scranton Road, 2177 (Ward 3) — 2177 Scranton LLC, owner — appeal granted and adopted on 10/24/16 (Cal. 16-195) 1582

Superior Avenue, 2155 (Ward 7) — Sunshine Diversified Investments III LLC, owner — appeal heard on 10/24/16 (Cal. 16-253) 1582

West 10th Street, 2054 (Ward 3) — Paul Vandereyke, owner — appeal granted and adopted on 10/24/16 (Cal. 16-248) 1583

West 6th Street, 2202 (Ward 3) — APJP Properties LLC, owner — appeal granted and adopted on 10/24/16 (Cal. 16-234) 1582

Board of Zoning Appeals — Schedule

Larchmere Boulevard, 13700 (Ward 4) — Susan Spring, owner — appeal to be heard on 11/7/16 (Cal. 16-263) 1581

Oakfield Avenue, 12301 (Ward 4) — Charles A. Cavor Sr., owner — appeal to be heard on 11/7/16 (Cal. 16-268) 1582

West 19th Street, 2086 (Ward 3) — Urban Investments, owner — appeal to be heard on 11/7/16 (Cal. 16-266) 1581

West 19th Street, 2092 (Ward 3) — Urban Investments, owner — appeal to be heard on 11/7/16 (Cal. 16-264) 1581

West 19th Street, 2100 (Ward 3) — Urban Investments, owner — appeal to be heard on 11/7/16 (Cal. 16-265) 1581

West 93rd Street, 2220 (Ward 15) — Friends of Breakthrough Schools, owner — appeal to be heard on 11/7/16 (Cal. 16-262) 1581

Building and Housing Department

Riparian Setbacks and Wetlands Setbacks - enact Chapter 351 - Housing, Zoning and Building Codes, Penalties; Penalty - amend Section 327.99 - Building and Housing Department- City Planning Commission - Ohio Environmental Protection Agency (Ohio EPA). (O 1555-13)..... 1586

To amend Sections 3 and 5 of Ordinance No. 575-16, passed June 6, 2016; and to supplement the ordinance by adding new Sections 3a, 3b, and 3c, to authorize contracts needed to implement the grant received from Environmental Health Watch for the Build Health Challenge Program. (O 1283-16)..... 1577

Capital Projects

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 The Cleveland Clinic Foundation to encroach into the public rights of way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges. (O 1282-16) 1576

City of Cleveland Bids

Ductile Iron Pipe and Fittings — Department of Public Utilities — Division of Water — per C.O. Sec. 129.25 — bid due November 9, 2016 (advertised 10/19/2016 and 10/26/2016) 1585
Employee Uniforms and Related Items for Airport Rescue and Firefighting — Department of Port Control — Division of Cleveland Hopkins International Airport — per C.O. Sec. 181.101 — bid due November 11, 2016 (advertised 10/19/2016 and 10/26/2016) 1585
Labor and Materials for Fencing Repair and Installation (Re-bid) — Department of Port Control — Division of Cleveland Hopkins International Airport — per Ord. 333-16 — bid due November 11, 2016 (advertised 10/19/2016 and 10/26/2016) 1585
Labor and Materials for the Materials, Repair and Installation of Gates — Department of Port Control — Division of Cleveland Hopkins International Airport — per Ord. 333-16 — bid due November 18, 2016 (advertised 10/19/2016 and 10/26/2016) 1586
Music Hall Improvements, Roof Repairs — Office of Capital Projects — Division of Architecture and Site Improvement — per Ord. 733-14 — bid due November 10, 2016 (advertised 10/19/2016 and 10/26/2016) 1585
Purchase of Transfer and Disposal of Tires — Department of Public Works — Division of Waste Collection and Disposal — per Ord. 1442-15 — bid due November 9, 2016 (advertised 10/19/2016 and 10/26/2016) 1585
Turnout Clothing — Division of Fire — Department of Public Safety — Division of Fire — per C.O. Sec. 135.06 — bid due November 10, 2016 (advertised 10/19/2016 and 10/26/2016) 1585

City Planning Commission

Allowing the Regional Transit Authority to place advertising on permitted bus shelters and transit stations. (O 1273-16)..... 1573
Changing the Use and Area Districts of parcels along Lee Road south of the City border with Shaker Heights and north of the Erie Rail Road Company line (south of Miles Ave), and along a portion of Harvard Ave. and establishing an Urban Overlay district for the same areas as identified on the attached map (Map Change No. 2542). (O 1160-16) 1579
Declaring a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable cultivators, processors and retail dispensaries of medical marijuana in the City of Cleveland. (O 1016-16)..... 1579
Riparian Setbacks and Wetlands Setbacks - enact Chapter 351 - Housing, Zoning and Building Codes, Penalties; Penalty - amend Section 327.99 - Building and Housing Department- City Planning Commission - Ohio Environmental Protection Agency (Ohio EPA). (O 1555-13)..... 1586

Civil Service Commission

Authorizing the Secretary of the Civil Service Commission to enter into an amendment to Contract No. CT 1511 PS 2016 222 with Ergometrics & Applied Personnel Research, Inc. to provide additional civil transportability studies and civil service testing for entry level law enforcement officers, for the Department of Public Safety and to extend the term of the contract until December 31, 2017. (O 1275-16) 1574

Cleveland Clinic Foundation

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 The Cleveland Clinic Foundation to encroach into the public rights of way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges. (O 1282-16) 1576

Cleveland Hopkins International Airport (CHIA)

Authorizing the Director of Port Control to enter into one or more Master Leases and Agreements with various signatory airlines and cargo carriers for the use and occupancy of certain City-owned spaces located at Cleveland Hopkins International Airport, for a period of five years, with two options to renew each for a period of two years, exercisable by the Director of Port Control. (O 1162-16) 1579

Cleveland Public Power (CPP)

Authorizing the Director of Public Utilities to make alterations and modifications in Contract No. PI 2014-55 with The Ryan Company, Inc. for the construction of the Ridge Road Substation ring bus project, for the Division of Cleveland Public Power. (O 1035-16) 1593

Authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years with two one year options to renew, the first of which requires additional legislative authority. (O 1277-16) 1575

Codified Ordinances

Authorizing the Director of Public Safety to enter into an agreement with Court Community Services to establish and manage a work program at the House of Corrections for eligible inmates and to place the inmates into the work program for a period up to one year; and amend Section 135.59 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by Ordinance No. 1871 06 passed December 11, 2006, relating to inmate labor. (O 1280-16)..... 1576

To amend Section 571.01 and 571.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 325-04, passed May 10, 2004, relating to City Airport definitions and vehicles for hire; and to supplement the codified ordinances by enacting new Section 571.131, relating to Transportation Network Services and Fees. (O 773-16) 1579

Communications

Dedication Plat for Huron Road Relocation, between Euclid Avenue and East 14th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. (F 1284-16) 1573

Community Development

To amend Section 9 of Ordinance No. 856 07, passed May 21, 2007, as amended by various ordinances, relating to authorizing development agreements for Community Reinvestment Areas under Section 3735.65 et seq. of the Revised Code. (O 1274-16) 1574

Condolences

Condolence Resolution for David Howard Colvin. (R 1291-16) 1573

Condolence Resolution for Leroy Frank Hunter, Sr. (R 1292-16) 1573

Condolence Resolution for Lillie Mae House. (R 1290-16)..... 1573

Congratulations

Congratulations Resolution for Jacob R. Darvas. (R 1294-16)..... 1573

Congratulations Resolution for John & Annie B. Hudson – 70th Wedding Anniversary. (R 1293-16) 1573

Contracts

Authorizing the Director of Port Control to employ one or more professional consultants to provide air and cargo service consulting and advising services for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. (O 1030-16) 1579

Authorizing the Director of Port Control to enter into an amendment to Contract No. PS 2013-22 with Science Applications International Corporation, nka Leidos, Inc. to provide additional regulatory compliance services for an additional three months, for the Department of Port Control. (O 1161-16) 1579

Authorizing the Director of Port Control to enter into one or more contracts with SoundCom Systems for professional services necessary to maintain and support the audio paging sound system for the Department of Port Control, for a period of one year with three one-year options to renew, the second of which shall require additional legislative authority. (O 1028-16) 1579

Authorizing the Director of Public Safety to employ one or more professional consultants to develop a data collection and analysis system for the Division of Police, including but not limited to acquiring or developing software and performing other related services; and authorizing one or more standard purchase and requirement contracts for the purchase, lease, or lease with option to purchase of materials, equipment, supplies, and services, needed to implement the project, for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety. (O 1261-16) 1579

Authorizing the Director of Public Safety to enter into one or more contracts with Motorola Solutions, Inc. for professional services necessary to maintain the existing video surveillance system, for a period of three years, with three one-year options to renew, the first and third of which require additional legislative authority. (O 1032-16) 1593

Authorizing the Director of Public Utilities to enter into an amendment to Contract No. PS 2013-97 with IBM Corporation to provide additional processors and memory needed to host and administer the Oracle customer care and billing system necessary due to the migration to monthly billing, for the Division of Water, the Department of Public Utilities. (O 1166-16) 1595

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 2015-23 with Energy Mechanical Corp., Inc. to provide labor and materials for maintenance, repair, enhancement and/or replacement of heating, ventilation and air conditioning systems, for the various divisions of the Department of Public Utilities; and to amend the contract to include the Office of Radio Communications. (O 1140-16)..... 1594

| | |
|---|------|
| Authorizing the Director of Public Utilities to make alterations and modifications in Contract No. PI 2014-55 with The Ryan Company, Inc. for the construction of the Ridge Road Substation ring bus project, for the Division of Cleveland Public Power. (O 1035-16) | 1593 |
| Authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years with two one year options to renew, the first of which requires additional legislative authority. (O 1277-16) | 1575 |
| Authorizing the Secretary of the Civil Service Commission to enter into an amendment to Contract No. CT 1511 PS 2016 222 with Ergometrics & Applied Personnel Research, Inc. to provide additional civil transportability studies and civil service testing for entry level law enforcement officers, for the Department of Public Safety and to extend the term of the contract until December 31, 2017. (O 1275-16) | 1574 |
| Determining the method of making the public improvement of constructing the East 103rd Street, East 115th Street, East 186th Street, Elgin Avenue, Rockport Avenue, Thrush Avenue, West 83rd Street, and West 123rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement. (O 1141-16) | 1594 |
| Determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement, for a period of two years for contracts executed by December 31, 2019. (O 1276-16) | 1574 |
| To amend Sections 3 and 5 of Ordinance No. 575-16, passed June 6, 2016; and to supplement the ordinance by adding new Sections 3a, 3b, and 3c, to authorize contracts needed to implement the grant received from Environmental Health Watch for the Build Health Challenge Program. (O 1283-16)..... | 1577 |

Encroachments

| | |
|--|------|
| 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 The Cleveland Clinic Foundation to encroach into the public rights of way over East 105th Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges. (O 1282-16) | 1576 |
|--|------|

Fees

| | |
|--|------|
| To amend Section 571.01 and 571.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 325-04, passed May 10, 2004, relating to City Airport definitions and vehicles for hire; and to supplement the codified ordinances by enacting new Section 571.131, relating to Transportation Network Services and Fees. (O 773-16) | 1579 |
|--|------|

Grants

| | |
|---|------|
| To amend Sections 3 and 5 of Ordinance No. 575-16, passed June 6, 2016; and to supplement the ordinance by adding new Sections 3a, 3b, and 3c, to authorize contracts needed to implement the grant received from Environmental Health Watch for the Build Health Challenge Program. (O 1283-16)..... | 1577 |
|---|------|

House Bill

| | |
|--|------|
| Declaring a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable cultivators, processors and retail dispensaries of medical marijuana in the City of Cleveland. (O 1016-16)..... | 1579 |
|--|------|

Leases

| | |
|--|------|
| Authorizing the Director of Port Control to enter into one or more Master Leases and Agreements with various signatory airlines and cargo carriers for the use and occupancy of certain City-owned spaces located at Cleveland Hopkins International Airport, for a period of five years, with two options to renew each for a period of two years, exercisable by the Director of Port Control. (O 1162-16) | 1579 |
|--|------|

Liquor Permits

| | |
|--|------|
| #3246657. New License Application, C2. Goldberg Investments Group LLC, 4200 West 130th St. (Ward-16). (F 1287-16) | 1573 |
| #6448039. New License Application, F10. North Union Farmers Market, 13209 Shaker Sq. (Ward 4). (F 1286-16) | 1573 |
| #8788452. Transfer of Ownership Application, D1 D2 D3 D3A. TastebudFoods LLC, 991 East 185th St. (Ward 8). (F 1285-16) | 1573 |
| Objecting to the transfer of ownership of a D5 Liquor Permit to 768 East 200th Street, 1st floor and basement. (R 1288-16) | 1578 |

Withdrawing objection to the renewal of a D5 Liquor Permit at 12820 Brook Park Road and patio and repealing Resolution No. 966-16 objecting to said renewal. (R 1259-16) 1586

Withdrawing objection to the transfer of location of a D2, D2X, D3 and D6 Liquor Permit at 668 Euclid Avenue, Suite 8, and repealing Resolution No. 940-16, objecting to said transfer. (R 1289-16) 1578

Northeast Ohio Regional Sewer District (NEORSD)

Authorizing the Director of Public Utilities to apply for NEORSD Community Cost Share Program Funds; to enter into an agreement with The Cleveland Metroparks to serve as a sub grantee to design, construct and maintain up to four bioretention cells at Wildwood Park, for the Office of Sustainability, Department of Public Utilities, for a period of at least fifteen years. (O 1279-16) 1575

Ohio Environmental Protection Agency (Ohio EPA)

Riparian Setbacks and Wetlands Setbacks - enact Chapter 351 - Housing, Zoning and Building Codes, Penalties; Penalty - amend Section 327.99 - Building and Housing Department- City Planning Commission - Ohio Environmental Protection Agency (Ohio EPA). (O 1555-13) 1586

Ohio Revised Code

Supporting Senate Bill 359 to amend the Ohio Revised Code to create a "Down Syndrome Awareness" license plate. (R 1206-16) 1586

To amend Section 9 of Ordinance No. 856 07, passed May 21, 2007, as amended by various ordinances, relating to authorizing development agreements for Community Reinvestment Areas under Section 3735.65 et seq. of the Revised Code. (O 1274-16) 1574

Parking Facilities Division

To amend Section 3 of Ordinance No. 226 15, passed April 13, 2015, as amended by various ordinances, to add additional funding for parking revenue control equipment and software, including reporting functions, for the West Side Market Parking Lot. (O 1278-16) 1575

Permits

Declaring a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable cultivators, processors and retail dispensaries of medical marijuana in the City of Cleveland. (O 1016-16)..... 1579

Plats

Dedication Plat for Huron Road Relocation, between Euclid Avenue and East 14th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. (F 1284-16) 1573

Police Division

Authorizing the Director of Public Safety to employ one or more professional consultants to develop a data collection and analysis system for the Division of Police, including but not limited to acquiring or developing software and performing other related services; and authorizing one or more standard purchase and requirement contracts for the purchase, lease, or lease with option to purchase of materials, equipment, supplies, and services, needed to implement the project, for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety. (O 1261-16)..... 1579

Port Control Department

Authorizing the Director of Port Control to employ one or more professional consultants to provide air and cargo service consulting and advising services for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. (O 1030-16) 1579

Authorizing the Director of Port Control to enter into an amendment to Contract No. PS 2013-22 with Science Applications International Corporation, nka Leidos, Inc. to provide additional regulatory compliance services for an additional three months, for the Department of Port Control. (O 1161-16) 1579

Authorizing the Director of Port Control to enter into one or more contracts with SoundCom Systems for professional services necessary to maintain and support the audio paging sound system for the Department of Port Control, for a period of one year with three one-year options to renew, the second of which shall require additional legislative authority. (O 1028-16) 1579

Authorizing the Director of Port Control to enter into one or more Master Leases and Agreements with various signatory airlines and cargo carriers for the use and occupancy of certain City-owned spaces located at Cleveland Hopkins International Airport, for a period of five years, with two options to renew each for a period of two years, exercisable by the Director of Port Control. (O 1162-16) 1579

Professional Services

Authorizing the Director of Port Control to employ one or more professional consultants to provide air and cargo service consulting and advising services for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. (O 1030-16) 1579

Authorizing the Director of Port Control to enter into one or more contracts with SoundCom Systems for professional services necessary to maintain and support the audio paging sound system for the Department of Port Control, for a period of one year with three one-year options to renew, the second of which shall require additional legislative authority. (O 1028-16) 1579

Authorizing the Director of Public Safety to employ one or more professional consultants to develop a data collection and analysis system for the Division of Police, including but not limited to acquiring or developing software and performing other related services; and authorizing one or more standard purchase and requirement contracts for the purchase, lease, or lease with option to purchase of materials, equipment, supplies, and services, needed to implement the project, for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety. (O 1261-16)..... 1579

Authorizing the Director of Public Safety to enter into one or more contracts with Motorola Solutions, Inc. for professional services necessary to maintain the existing video surveillance system, for a period of three years, with three one-year options to renew, the first and third of which require additional legislative authority. (O 1032-16) **1593**

Authorizing the Director of Public Works to employ one or more professional consultants to provide services necessary to manage the West Side Market Parking Lot, for a period not to exceed three years. (O 1281-16) 1576

Determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement, for a period of two years for contracts executed by December 31, 2019. (O 1276-16) 1574

To amend Sections 3 and 5 of Ordinance No. 575-16, passed June 6, 2016; and to supplement the ordinance by adding new Sections 3a, 3b, and 3c, to authorize contracts needed to implement the grant received from Environmental Health Watch for the Build Health Challenge Program. (O 1283-16)..... 1577

Public Improvements

Determining the method of making the public improvement of constructing the East 103rd Street, East 115th Street, East 186th Street, Elgin Avenue, Rockport Avenue, Thrush Avenue, West 83rd Street, and West 123rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement. (O 1141-16) **1594**

Determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement, for a period of two years for contracts executed by December 31, 2019. (O 1276-16) 1574

To amend Sections 1, 3, 4, and 5 of Ordinance No. 578-16, passed June 6, 2016; and to supplement the ordinance by adding new Sections 5a and 7a relating to appropriating bond funds for ongoing sewer - related projects. (O 1019-16)..... **1593**

Public Works

Authorizing the Director of Public Works to employ one or more professional consultants to provide services necessary to manage the West Side Market Parking Lot, for a period not to exceed three years. (O 1281-16) 1576

To amend Section 3 of Ordinance No. 226 15, passed April 13, 2015, as amended by various ordinances, to add additional funding for parking revenue control equipment and software, including reporting functions, for the West Side Market Parking Lot. (O 1278-16) 1575

Recognition

Recognition Resolution for Naomi Bedell – 100th Birthday (R 1295-16) 1573

Regional Transit Authority (RTA)

Allowing the Regional Transit Authority to place advertising on permitted bus shelters and transit stations. (O 1273-16)..... 1573

Resolutions - Miscellaneous

Finding the fraudulent actions of Wells Fargo bank inexcusable and insisting that it be prohibited from doing business with the state of Ohio for a minimum of five years. (R 1272-16) 1577

Resolutions of Support

Supporting LAND studio's application to the Clean Ohio Fund Greenspace Conservation Program for the Irishtown Bend Conservation and Recreation Project in the City of Cleveland. (R 1258-16) 1586

Supporting Senate Bill 359 to amend the Ohio Revised Code to create a "Down Syndrome Awareness" license plate. (R 1206-16) 1586

Safety Department

Authorizing the Director of Public Safety to employ one or more professional consultants to develop a data collection and analysis system for the Division of Police, including but not limited to acquiring or developing software and performing other related services; and authorizing one or more standard purchase and requirement contracts for the purchase, lease, or lease with option to purchase of materials, equipment, supplies, and services, needed to implement the project, for a period of one year, with two one-year options to renew, exercisable by the Director of Public Safety. (O 1261-16) 1579

Authorizing the Director of Public Safety to enter into an agreement with Court Community Services to establish and manage a work program at the House of Corrections for eligible inmates and to place the inmates into the work program for a period up to one year; and amend Section 135.59 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by Ordinance No. 1871 06 passed December 11, 2006, relating to inmate labor. (O 1280-16) 1576

Authorizing the Director of Public Safety to enter into one or more contracts with Motorola Solutions, Inc. for professional services necessary to maintain the existing video surveillance system, for a period of three years, with three one-year options to renew, the first and third of which require additional legislative authority. (O 1032-16) 1593

Authorizing the Secretary of the Civil Service Commission to enter into an amendment to Contract No. CT 1511 PS 2016 222 with Ergometrics & Applied Personnel Research, Inc. to provide additional civil transportability studies and civil service testing for entry level law enforcement officers, for the Department of Public Safety and to extend the term of the contract until December 31, 2017. (O 1275-16) 1574

Senate Bills

Supporting Senate Bill 359 to amend the Ohio Revised Code to create a "Down Syndrome Awareness" license plate. (R 1206-16) 1586

Sewers

Determining the method of making the public improvement of constructing the East 103rd Street, East 115th Street, East 186th Street, Elgin Avenue, Rockport Avenue, Thrush Avenue, West 83rd Street, and West 123rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement. (O 1141-16) 1594

To amend Sections 1, 3, 4, and 5 of Ordinance No. 578-16, passed June 6, 2016; and to supplement the ordinance by adding new Sections 5a and 7a relating to appropriating bond funds for ongoing sewer-related projects. (O 1019-16) 1593

State of Ohio

Finding the fraudulent actions of Wells Fargo bank inexcusable and insisting that it be prohibited from doing business with the state of Ohio for a minimum of five years. (R 1272-16) 1577

Utilities Department

Authorizing the Director of Public Utilities to apply for NEORSD Community Cost Share Program Funds; to enter into an agreement with The Cleveland Metroparks to serve as a sub grantee to design, construct and maintain up to four bioretention cells at Wildwood Park, for the Office of Sustainability, Department of Public Utilities, for a period of at least fifteen years. (O 1279-16) 1575

Authorizing the Director of Public Utilities to enter into an amendment to Contract No. PS 2013-97 with IBM Corporation to provide additional processors and memory needed to host and administer the Oracle customer care and billing system necessary due to the migration to monthly billing, for the Division of Water, the Department of Public Utilities. (O 1166-16) 1595

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 2015-23 with Energy Mechanical Corp., Inc. to provide labor and materials for maintenance, repair, enhancement and/or replacement of heating, ventilation and air conditioning systems, for the various divisions of the Department of Public Utilities; and to amend the contract to include the Office of Radio Communications. (O 1140-16) 1594

Authorizing the Director of Public Utilities to make alterations and modifications in Contract No. PI 2014-55 with The Ryan Company, Inc. for the construction of the Ridge Road Substation ring bus project, for the Division of Cleveland Public Power. (O 1035-16) 1593

Authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years with two one year options to renew, the first of which requires additional legislative authority. (O 1277-16) 1575

Determining the method of making the public improvement of constructing the East 103rd Street, East 115th Street, East 186th Street, Elgin Avenue, Rockport Avenue, Thrush Avenue, West 83rd Street, and West 123rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement. (O 1141-16) 1594

Determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement, for a period of two years for contracts executed by December 31, 2019. (O 1276-16) 1574

To amend Sections 1, 3, 4, and 5 of Ordinance No. 578-16, passed June 6, 2016; and to supplement the ordinance by adding new Sections 5a and 7a relating to appropriating bond funds for ongoing sewer - related projects. (O 1019-16)..... 1593

Vehicles

To amend Section 571.01 and 571.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 325-04, passed May 10, 2004, relating to City Airport definitions and vehicles for hire; and to supplement the codified ordinances by enacting new Section 571.131, relating to Transportation Network Services and Fees. (O 773-16) 1579

Ward 01

Changing the Use and Area Districts of parcels along Lee Road south of the City border with Shaker Heights and north of the Erie Rail Road Company line (south of Miles Ave), and along a portion of Harvard Ave. and establishing an Urban Overlay district for the same areas as identified on the attached map (Map Change No. 2542). (O 1160-16) 1579

Congratulation Resolution for John & Annie B. Hudson – 70th Wedding Anniversary (R 1293-16)..... 1573

Ward 03

Dedication Plat for Huron Road Relocation, between Euclid Avenue and East 14th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. (F 1284-16) 1573

Supporting LAND studio's application to the Clean Ohio Fund Greenspace Conservation Program for the Irishtown Bend Conservation and Recreation Project in the City of Cleveland. (R 1258-16) 1586

Withdrawing objection to the transfer of location of a D2, D2X, D3 and D6 Liquor Permit at 668 Euclid Avenue, Suite 8, and repealing Resolution No. 940-16, objecting to said transfer. (R 1289-16) 1578

Ward 04

#6448039. New License Application, F10. North Union Farmers Market, 13209 Shaker Sq. (Ward 4). (F 1286-16) 1573

Ward 06

Condolence Resolution for Lillie Mae House (R 1290-16) 1573

Ward 08

#8788452. Transfer of Ownership Application, D1 D2 D3 D3A. TastebudFoods LLC, 991 East 185th St. (Ward 8). (F 1285-16) 1573

Finding the fraudulent actions of Wells Fargo bank inexcusable and insisting that it be prohibited from doing business with the state of Ohio for a minimum of five years. (R 1272-16) 1577

Objecting to the transfer of ownership of a D5 Liquor Permit to 768 East 200th Street, 1st floor and basement. (R 1288-16) 1578

Ward 09

Finding the fraudulent actions of Wells Fargo bank inexcusable and insisting that it be prohibited from doing business with the state of Ohio for a minimum of five years. (R 1272-16) 1577

Recognition Resolution for Naomi Bedell – 100th Birthday (R 1295-16) 1573

Ward 10

Condolence Resolution for Leroy Frank Hunter, Sr. (R 1292-16) 1573

Ward 11

Condolence Resolution for David Howard Colvin (R 1291-16) 1573
 Determining the method of making the public improvement of constructing the East 103rd Street, East 115th Street, East 186th Street, Elgin Avenue, Rockport Avenue, Thrush Avenue, West 83rd Street, and West 123rd Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement. (O 1141-16) **1594**

Ward 16

#3246657. New License Application, C2. Goldberg Investments Group LLC, 4200 West 130th St. (Ward-16). (F 1287-16) 1573
 Congratulations Resolution for Jacob R. Darvas (R 1294-16) 1573
 Withdrawing objection to the renewal of a D5 Liquor Permit at 12820 Brook Park Road and patio and repealing Resolution No. 966-16 objecting to said renewal. (R 1259-16) **1586**

West Side Market

Authorizing the Director of Public Works to employ one or more professional consultants to provide services necessary to manage the West Side Market Parking Lot, for a period not to exceed three years. (O 1281-16) 1576
 To amend Section 3 of Ordinance No. 226 15, passed April 13, 2015, as amended by various ordinances, to add additional funding for parking revenue control equipment and software, including reporting functions, for the West Side Market Parking Lot. (O 1278-16) 1575

Willard Park Garage

To amend Section 3 of Ordinance No. 226 15, passed April 13, 2015, as amended by various ordinances, to add additional funding for parking revenue control equipment and software, including reporting functions, for the West Side Market Parking Lot. (O 1278-16) 1575

Zoning

Changing the Use and Area Districts of parcels along Lee Road south of the City border with Shaker Heights and north of the Erie Rail Road Company line (south of Miles Ave), and along a portion of Harvard Ave. and establishing an Urban Overlay district for the same areas as identified on the attached map (Map Change No. 2542). (O 1160-16) 1579
 Riparian Setbacks and Wetlands Setbacks – enact Chapter 351 - Housing, Zoning and Building Codes, Penalties; Penalty – amend Section 327.99 – Building and Housing Department- City Planning Commission – Ohio Environmental Protection Agency (Ohio EPA). (O 1555-13)..... **1586**

Zoning Code

Declaring a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications that would enable cultivators, processors and retail dispensaries of medical marijuana in the City of Cleveland. (O 1016-16)..... 1579