

# The City Record

Official Publication of the Council of the City of Cleveland



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May the Third, Two Thousand and Seventeen

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**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](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

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

**MAYOR** – Frank G. Jackson

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**DEPT. OF BUILDING AND HOUSING** – Ayonna Blue Donald, Interim Director, Room 500  
 DIVISIONS:

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

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

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

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

**COMMUNITY RELATIONS BOARD** – Room 11, 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, Rev. Gregory E. Jordan, President; Michael Flickinger, Vice-President; Barry A. Withers, Interim Secretary; Members: Daniel J. Brennan, India Pierce Lee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 104

WEDNESDAY, MAY 3, 2017

No. 5395

## CITY COUNCIL

MONDAY, MAY 1, 2017

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](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
May 1, 2017

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

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

Also present were: Mayor Frank G. Jackson, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Regional Development Edward W. Rybka, Chief of Education Monyka S. Price, Media Relations Director Dan Williams, Chief of Sustainability Matt Gray, Chief of Public Affairs Natoya Walker-Minor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults Duane Deskins, and Directors Langhenry, Dumas, Davis, Kennedy, Spronz, Gordon, Cox, Cosgrove, Donald, Ebersole, Griffin, Collier, McNamara, Withers and Pierce Scott.

#### 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 Brady, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member J. Johnson.

#### PLATS

**File No. 482-17.**  
Dedication Plat for Vine Court Townhomes Subdivision, West 32nd

Street and Vine Court. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved.

#### FROM OHIO DIVISION OF LIQUOR CONTROL

**File No. 483-17.**  
RE: RE: #61433920035. Stock Application, C1. Moran Foods LLC, 14301 Kinsman Road (Ward 1). Received.

**File No. 484-17.**  
RE: #61433920205. Stock Application, C1. Moran Foods LLC, 5841 Broadway Avenue (Ward 5). Received.

**File No. 485-17.**  
RE: #61433920045. Stock Application, C1. Moran Foods LLC, 7210 Superior Avenue (Ward 7). Received.

**File No. 486-17.**  
RE: #61433920195. Stock Application, C1. Moran Foods LLC, 18501 Neff Road (Ward 8). Received.

**File No. 487-17.**  
RE: #61433920240. Stock Application, C1. Moran Foods LLC, 11905A Superior Avenue (Ward 9). Received.

**File No. 488-17.**  
RE: #61433920010. Stock Application, C1. Moran Foods LLC, 12432 Street Clair Avenue (Ward 10). Received.

**File No. 489-17.**  
RE: #61433920245. Stock Application, C1. Moran Foods LLC, 18235 Euclid Avenue (Ward 10). Received.

**File No. 490-17.**  
RE: #61433920255. Stock Application, C1. Moran Foods LLC, 10950 Lorain Avenue (Ward 11). Received.

**File No. 491-17.**  
RE: #61433920060. Stock Application, C1. Moran Foods LLC, 6501 Harvard Avenue (Ward 12). Received.

**File No. 492-17.**  
RE: #61433920215. Stock Application, C1. Moran Foods LLC, 4215 Fulton Road (Ward 13). Received.

**File No. 493-17.**  
RE: #61433920025. Stock Application, C1. Moran Foods LLC, 2210 Brookpark Road (Ward 13). Received.

**File No. 494-17.**  
RE: #61433920065. Stock Application, C1. Moran Foods LLC, 3024 Clark Avenue (Ward 14). Received.

**File No. 495-17.**  
RE: #61433920030. Stock Application, C1. Moran Foods LLC, 5901 Detroit Avenue (Ward 15). Received.

**File No. 496-17.**  
RE: #61433920020. Stock Application, C1. Moran Foods LLC, 14041 Puritas Avenue (Ward 16). Received.

**File No. 497-17.**  
RE: #42470655. New License Application, C1. Jarvis Catering Services LLC, 1379 West Boulevard (Ward 11). Received.

**File No. 498-17.**  
RE: #5128484. Stock Application, D5 D6. Leon Restaurant Group Ltd., 1313 West 117th Street (Ward 15). Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 524-17** — Naomi Darget Bennett.

**Res. No. 525-17** — William Allen Gould.

**Res. No. 527-17** — Maurice Burch.

#### CONGRATULATIONS RESOLUTION

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

**Res. No. 526-17** — Zion United Church of Christ In Tremont - 150th Anniversary.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 499-17.**  
By Council Members Mitchell, Conwell, K. Johnson and Kelley (by departmental request).

**An emergency ordinance to amend Sections 1 and 12 of Ordinance No. 219-14, passed June 9, 2014, relating to giving consent to the State of Ohio and County of Cuyahoga for the widening and reconstruction of East 105th Street from Quebec Avenue to Chester Avenue and construction of new connecting roadways.**

Whereas, under Ordinance No. 219-14, passed June 9, 2014, this Council gave consent to the State of Ohio and the County of Cuyahoga for the widening and reconstructing of East 105th Street (SR-10) from Quebec Avenue to Chester Avenue (US-322) identified as Project CUY-10-21.49 (PID 96832), and constructing a new roadway connecting the intersection of IR-490 and East 55th Street to the intersection of East 105th Street (SR-10) and Quebec Avenue identified as project Cuy-490/10-2.09/19.28 (PID 96833) (the "Improvement"); and

Whereas, the City agreed to cooperate with the State and the County by assuming and contributing the entire cost and expense of the Improvement less the amount of federal, state, and county funds allocated by the Federal Highway Administration, Ohio Department of Transportation and Cuyahoga County for the Improvement; 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 and 12 of Ordinance No. 219-14, passed June 9, 2014, are amended to read as follows:

Section 1. Consent. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of the Department of Transportation of the State of Ohio ("ODOT") and the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by ODOT and the County: widen and reconstruct East 105th Street (SR-10) from Quebec Avenue to Chester Avenue identified as project CUY 10-21.49 PID 96832 (**Phase 1**), and construct new roadway (**SR 10**) connecting the intersection of **East 93rd Street to Quebec Avenue identified as project CUY 10-20.98, PID 98695 (Phase 2)** and new roadway from IR-490 and East 55th Street to the intersection of **East 93rd Street** identified as project Cuy-490/10-2.09/10.28 (PID 96833) (**Phase 3**) (the "Improvement").

Section 12. That the costs of the **City's portion of the Improvement** and for the additional items authorized in Section 2(c) of this ordinance shall be paid from the fund or funds to which are credited any gift or grant accepted under this ordinance, **Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, 52 SF 001, 54 SF 001, 58 SF 001, from the fund or funds to which are credited the proceeds of the sale of future bonds if authorized for this purpose**, and any funds deemed appropriate by the Director of Finance. (**RQS 0103, RL 2015-153**)

**Section 2.** That existing Sections 1 and 12 of Ordinance No. 219-14, passed June 9, 2014, are repealed.

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

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

**Ord. No. 500-17.**  
By Council Members McCormack, Cleveland, K. Johnson, Brancatelli and Kelley (by departmental request).  
**An emergency ordinance to vacate a portion of Andes Court S.E.**

Whereas, under Resolution No. 812-16, adopted August 10, 2016, this Council declared its intention to vacate a portion of Andes Court S.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2017, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known be a portion of Andes Court S.E. (16.5 feet wide) (formerly Orchard Court) in Case's Addition to Cleveland of part of Original Ten Acre Lot Numbers 1 and 2 as shown by the recorded plat in Volume 0 of Deeds, Page 477 of Cuyahoga County Records and being further described as follows:

Being all that portion of said Andes Court (16.5 feet wide) (formerly Orchard Court) extending from the West line of East 9th Street (66.00 feet wide) (formerly Cross Street) northwesterly to its intersection with the southerly right of way line of Ramp E-2 of the Innerbelt Freeway also being the southwesterly prolongation of the northwesterly property line of Parcel No. 4 in the deed to McElwee Properties, LLC recorded in AFN 201310160583 of Cuyahoga County Deed Records.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Cleveland Public Power and the Illuminating Company (CEI).

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power, the Illuminating Company (CEI) and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

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

**Ord. No. 501-17.**  
By Council Members Reed, K. Johnson, Brancatelli and Kelley (by departmental request).  
**An emergency ordinance to vacate a portion of Bay Street (formerly Plum Street).**



Whereas, under Resolution No. 662-16, adopted July 13, 2016, this Council declared its intention to vacate a portion of Bay Street (formerly Plum Street); and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2017, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

**Bay Street (formerly Plum Street)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio of part of Original Brooklyn Township No. 70 as shown in Averell & Bradford's Grove Allotment, recorded in Volume 3, Page 4, of the Cuyahoga County Map Records, further described as follows;

Beginning at the intersection of the south line of Bay Street (formerly Plum Street) (30.00 feet wide) and the East line of West 20th Street (66.00 feet wide), thence N 58° 07' 35" E along said south line of Bay Street 69.17 feet to the point of beginning to the parcel herein described:

Thence N 44° 44' 07" E 119.45 feet to a point on the easterly limit of said Bay Street;

Thence S 00° 42' 12" E along said easterly limit of Bay Street 32.33 feet to the said south line of Bay Street;

Thence S 58° 07' 35" W along said south line of Bay Street 99.46 feet to the place of beginning.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Cleveland Department of Water Pollution Control, the Illuminating Company (CEI) and Cleveland Public Power.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Department of Water Pollution Control, the Illuminating Company (CEI), Cleveland Public Power and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

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

**Ord. No. 502-17.  
By Council Members McCormack, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance to vacate a portion of Broome Court N.W.**

Whereas, under Resolution No. 158-16, adopted March 21, 2016, this Council declared its intention to vacate a portion of Broome Court N.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2017, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Alley No. 1 (now known as Broome Court N.W.) (16.5 feet wide) of part of Original Two Acre Lot Numbers 55, 56, and 57 as shown in the Simon Perkins Allotment recorded in Book F, Page 265 of Cuyahoga County Map Records, further described as follows:

Being all the portion of Broome Court (16.5 feet wide) extending from the West right of way of West 3rd Street (99.00 feet wide) (formerly Seneca Street) Westerly to its terminus.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Cleveland Public Power, the Illuminating Company (CEI) and Water Pollution Control.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power, the Illuminating Company (CEI), Water Pollution Control, and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

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

**Ord. No. 503-17.  
By Council Members Zone, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance to vacate portions of Division Avenue, West 45th Street and West 53rd Street.**

Whereas, under Resolution No. 663-16, adopted July 13, 2016, this Council declared its intention to vacate portions of Division Avenue, West 45th Street and West 53rd Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2017, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating portions of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

**Vacation of a Portion of  
Division Avenue (66 feet wide)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 50.

Beginning at an iron pin set at the intersection of the easterly right of way of West 53rd Street (50 feet wide) and the southerly right of way of Division Avenue (66 feet wide);

Thence, along the southerly right of way of Division Avenue, North 87° 58' 10" West, 50.00 feet to the westerly right of way of West 53rd Street;

Thence, leaving the southerly right of way of Division Avenue, North 01° 59' 03" East, 66.00 feet to a "Garrett" capped iron pin found in the northerly right of way of Division Avenue (66

feet wide) at the southwesterly corner of Block "C" of Lot Split Plat for the City of Cleveland Department of Economic Development as recorded in Volume 357, Page 00 of the Cuyahoga County Map Records;

Thence, along the northerly right of way of Division Avenue, South 87° 58' 10" East, 308.67 feet;

Thence, leaving the northerly right of way of Division Avenue, South 02° 01' 50" West, 66.00 feet to the southerly right of way of Division Avenue;

Thence, along the southerly right of way of Division Avenue, North 87° 58' 10" West, 258.62 feet to the point of beginning.

Containing within said bounds 0.4676 acres of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in April 2016. Bearings are based on Ohio State Plane, North Zone NAD83 (2011) Grid North.

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

**Vacation of a Portion of  
Division Avenue (66 feet wide)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 50, further described as follows:

Being all that portion of Division Avenue N.W. (66.00 feet wide) extending from the west right of way of West 45th Street (66.00 feet wide) to the west right of way of West 29th Street (66.00 feet wide).

**Vacation of a Portion of  
West 53rd Street**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 50, further described as follows:

Being all that portion of West 53rd Street (50.00 feet wide) extending from the south right of way of Division Avenue N.W. (66.00 feet wide) to the north right of way of Crescent Avenue N.W. (66.00 feet wide).

**Vacation of a Portion of  
West 45th Street**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 50, further described as follows:

Being all that portion of West 45th Street (66.00 feet wide) extending from the south right of way of Division Avenue N.W. (66.00 feet wide) to the north right of way of Crescent Avenue N.W. (66.00 feet wide).

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for Dominion East Ohio Gas, the Illuminating Company (CEI), Cleveland Public Power and AT&T.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Dominion East Ohio Gas, the Illuminating Company (CEI), Cleveland Public Power, AT&T and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

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

**Ord. No. 504-17.  
By Council Members McCormack, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance to vacate a portion of the Main Avenue Alteration.**

Whereas, under Resolution No. 983-15, adopted October 19, 2015, this Council declared its intention to vacate a portion of the Main Avenue Alteration; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2017, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Commencing at a 1" iron pin monument found at the centerline intersection of West 25th Street (width varies) and Detroit Avenue (66 feet wide); thence along said centerline of West 25th Street, North 30°29'47" West, for a distance of 104.52 feet to a point therein; thence South 59°30'13" West, for a distance of 35.46 feet to a point on the westerly line of said West 25th Street, said point also being on the northerly line of lands now or formerly conveyed to the City of Cleveland, PPN 003-14-007, said point also being the TRUE POINT OF BEGINNING for the parcel of land hereinafter described; thence clockwise along the following four (4) courses and distances:

1. Thence along said northerly line of the City of Cleveland and along the arc of a curve, deflecting to the left, said curve having a radius of 240.08

feet, a delta of 37°16'52", a tangent of 80.98 feet and a chord of 153.47 feet which bears North 71°02'34" West, for a distance of 156.21 feet to a point;

2. Thence along the arc of a curve, deflecting to the left, said curve having a radius of 300.50 feet, a delta of 11°34'36", a tangent of 30.46 feet and a chord of 60.61 feet which bears North 71°20'42" East, for a distance of 60.72 feet to a point;

3. Thence along the arc of a curve, deflecting to the right, said curve having a radius of 40.00 feet, a delta of 79°53'43", a tangent of 33.50 feet and a chord of 51.37 feet which bears South 74°29'45" East, for a distance of 55.78 feet to a point;

4. Thence South 34°32'53" East, for a distance of 67.40 feet to the TRUE POINT OF BEGINNING, containing 0.0670 acres (2,921 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of Matthew C. Neff, P.S. 7315 for Glaus, Pyle, Schomer, Burns and DeHaven, dba GPD Group, in May of 2015.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Illuminating Company (CEI) and Cleveland Public Power.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Illuminating Company (CEI), Cleveland Public Power and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

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

**Ord. No. 505-17.  
By Council Members Zone, K. Johnson, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance to vacate a portion of the 1st un-named Alley East of West 65th Street and North of West Clinton Avenue.**

Whereas, under Resolution No. 1169-16, adopted November 28, 2016, this Council declared its intention to vacate a portion of the 1st un-named Alley East of West 65th Street and North of West Clinton Avenue; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections

would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2017, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, of part of Original Brooklyn Township 160 Acre Lot 32 further described as follows:

Being the 1st un-named Alley (20.00 feet wide), East of West 65th Street (80.00 feet wide) and North of West Clinton Avenue N.W. (60.00 feet wide) extending from the North line of West Clinton Avenue N.W. (60.00 feet wide) northerly to its terminus as shown in the Gordon Allotment in Volume 21 of Maps, Page 2 of Cuyahoga County Records.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Illuminating Company (CEI) and Ingress/Egress for abutting parcel 002-16-075

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Illuminating Company (CEI) and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

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

**Ord. No. 506-17.**

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

**An emergency ordinance to vacate a portion of the first un-named alley North of Superior Avenue N.E., East of East 21st Street.**

Whereas, under Resolution No. 1512-15, adopted March 14, 2016, this Council declared its intention to vacate a portion of the first un-named alley North of Superior Avenue N.E., East of East 21st Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2017, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Ten Acre Lots 106,107, 108, 109 and 110 as shown in the O.H. Payne's Allotment, recorded in Volume 11, Page 51 of the Cuyahoga County Map Records and further described as follows:

Being all that portion of the first un-named alley (12.86 feet wide) North of Superior Avenue N.E (132 feet wide), East of East 21st Street (66 feet wide) extending from the East right of way of said East 21st Street easterly to its terminus.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power, the Illuminating Company (CEI) and Ingress/Egress for abutting parcel 102-15-053.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power, the Illuminating Company (CEI) and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

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

**Ord. No. 507-17.**

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

**An emergency ordinance to vacate a portion of the first un-named alley North of Superior Avenue N.E., West of East 25th Street, now known as Perry Court.**

Whereas, under Resolution No. 546-16, adopted June 6, 2016, this Council declared its intention to vacate a portion of the first un-named alley North of Superior Avenue N.E., West of East 25th Street, now known as Perry Court; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2017, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the State of Ohio, County of Cuyahoga and City of Cleveland and known as being part of ten acre lots 110, 111, 112 and 113 in the Perry and Payne's Subdivision as recorded in volume 2, page 29 of Cuyahoga County Map Records and described as follows:

Being all that portion of the first un-named alley (12 feet wide) North of Superior Avenue N.E (132 feet wide), West of East 25th Street (66 feet wide), now known as Perry Court extending from the West right of way of said East 25th Street westerly to its terminus.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power, the Illuminating Company (CEI) and Ingress/Egress for abutting parcel 102-16-089.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power, the Illuminating Company (CEI) and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the



vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

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

**Ord. No. 508-17.**

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

**An emergency ordinance to vacate a portion of the 1st un-named alley west of West 65th Street and south of Franklin Avenue.**

Whereas, under Resolution No. 811-16, adopted October 10, 2016, this Council declared its intention to vacate a portion of the 1st un-named alley west of West 65th Street and south of Franklin Avenue; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2017, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, of part of Original Brooklyn Township 160 Acre Lot 32 further described as follows:

Being the 1st un-named Alley (20.00 feet wide), West of West 65th Street (80.00 feet wide) and South of Franklin Avenue N.W. (66.00 feet wide) extending from the West line of said West 65th Street (80.00 feet wide) Westerly to its terminus as shown in the Gordon Allotment in Volume 21 of Maps, Page 2 of Cuyahoga County Records.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power and the Illuminating Company (CEI)

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power, the Illuminating Company (CEI) and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

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

**Ord. No. 509-17.**

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

**An emergency ordinance to vacate a portion of West 21st Street (16.50 feet wide) and a portion of Franklin Avenue N.W. (60.00 feet wide).**

Whereas, under Resolution No. 547-16, adopted June 6, 2016, this Council declared its intention to vacate a portion of West 21st Street (16.50 feet wide) and a portion of Franklin Avenue N.W. (60.00 feet wide); and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 25, 2017, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating portions of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

**A portion of West 21st Street (16.50 feet wide)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being all that remaining portion of West 21st Street (16.50 feet wide) extending from the easterly prolongation of the north line of Gould Court N.W. (16.50 feet wide) northerly to its terminus.

**A portion of Franklin Avenue N.W. (60.00 feet wide)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being all that portion of Franklin Avenue N.W. (60.00 feet wide) extending from that portion of Franklin Avenue N.W. (60.00 feet wide) vacated by ordinance 491-93 passed May 3rd 1993 easterly to that portion of Franklin Avenue N.W. (60.00 feet wide) vacated by ordinance 858-13 passed August 14th 2013.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Cleveland Department of Water, the Illuminating Company (CEI) Cleveland Public Power, Dominion East Ohio Gas and Ingress/Egress for abutting parcels 004-01-084 and 004-01-085.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Department of Water, the Illuminating Company (CEI) Cleveland Public Power, Dominion East Ohio Gas and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

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

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

**Ord. No. 510-17.**

**By Council Member McCormack.**

**An emergency ordinance consenting and approving the issuance of a permit for the American Lung Association Walk, on May 13, 2017, sponsored by the American Lung Association.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the American Lung Association Walk, on May 13, 2017, start: Jacobs Pavilion, 2014 Sycamore Street; north on Sycamore



to Main Avenue; west on Main Avenue to Center Street; south on Center Street to Merwin Avenue; east on Merwin through City Park to West St. Clair Avenue; east on West St. Clair to West 10th Street; south on West 10th to West Superior Avenue; east on West Superior to West 9th Street; north on West 9th to West St. Clair Avenue; east on West St. Clair to West 6th Street; south on West 6th to West Superior Avenue; west on West Superior to West 25th Street; north on West 25th to Main Avenue; east on Main Avenue to Sycamore Street to Jacobs Pavilion and FINISH; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 511-17.**

**By Council Member McCormack.**

**An emergency ordinance consenting and approving the issuance of a permit for the Colon Cancer UNDY Run on September 30, 2017, benefiting the Colon Cancer Alliance.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Colon Cancer UNDY Run on September 30, 2017, start: Old River Road and Front Street; Front Street east to West 9th Street; West 9th south to Lakeside Avenue; Lakeside east to West 3rd Street; West 3rd north to Al Lerner Way; Al Lerner way east to Erieside Avenue; Erieside east to North Marginal Road; North Marginal Road to Burke Airport Loop; turn around, North Marginal Road west to Erieside Avenue; Erieside west to Al Lerner Way; Al Lerner Way west to West 3rd Street; West 3rd south to Lakeside Avenue; Lakeside west to West 9th Street; West 9th north to Front Street; Front Street west to Old River Road—finish line; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be

closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 512-17.**

**By Council Member McCormack.**

**An emergency ordinance consenting and approving the issuance of a permit for the Inside The Park Home Run on July 30, 2017, proceeds to benefit the Furniture Bank.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Inside The Park Home Run on July 30, 2017; start: Progressive Field, 2401 Ontario Street; Eagle Avenue west to East 6th Street; East 6th north to Huron Road; Huron east to Prospect Avenue; Prospect east to East 36th Street; East 36th south to Carnegie Avenue; Carnegie west to East 9th Street; East 9th north to Eagle Avenue; Eagle west to inside Progressive Field—finish line; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 513-17.**

**By Council Member McCormack.**

**An emergency ordinance consenting and approving the issuance of a permit for the National Kidney Foundation Annual Walk on June 11, 2017, managed by the National Kidney Foundation.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the National Kidney Foundation Annual Walk, on June 11, 2017, start: The Great Lakes Science Center, 601 Erieside Avenue; west on Erieside; south on West 3rd Street; east on Al Lerner Way; east on Erieside Avenue; east on North Marginal Road; around Burke Airport Loop; west on North Marginal Road; north on East 9th Street; turn around at Pier; south on East 9th Street; west on Erieside Avenue—finish line; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 514-17.**

**By Council Member McCormack.**

**An emergency ordinance consenting and approving the issuance of a permit for the Ohio City Run & Crawl on June 17, 2017, sponsored by Hermes Sports & Events, Inc.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Ohio City Run & Crawl on June 17, 2017, start: Bridge Avenue and West 24th Street; Bridge Avenue west to West 25th Street; West 25th north to Franklin Boulevard; Franklin east to Carter Road; Carter north to Scranton Road; Scranton south to University

Avenue; University Avenue east to Centennial Lake Link Trail; Centennial Trail west to Carter Road; Carter west to Franklin Boulevard; Franklin west to West 25th Street; West 25th south to Bridge Avenue; Bridge Avenue east to FINISH LINE; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 515-17.**

**By Council Member McCormack.**  
**An emergency ordinance consenting and approving the issuance of a permit for the OROC Run, on August 5, 2017, benefiting the OROC Foundation.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the OROC (OutRun Ovarian Cancer) Run, on August 5, 2017, Start: East 9th Street and Erieside Avenue; Erieside to West 3rd Street; West 3rd to Lakeside Avenue; Lakeside to East 6th Street; East 6th to St. Clair Avenue; St. Clair to West 9th Street; West 9th to Lakeside Avenue; Lakeside to West 3rd Street; West 3rd to Erieside Avenue; Erieside to East 9th Street - finish; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

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

**Ord. No. 516-17.**

**By Council Member Polensek.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Escape on the Lake, on July 8, 2017, benefits Villa Angela-St. Joseph High School.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Escape on the Lake, on July 8, 2017, start: Villa Angela-St. Joseph High School, 18491 Lakeshore Boulevard; Lakeshore west to Schenely Avenue; Schenely north to Dorchester Drive; Dorchester west to Lakefront State Park; run through the park, turn around return to Dorchester Drive; Dorchester east to Schenely Avenue; Schenely south to Lakeshore Boulevard; Lakeshore east to East 185th Street; finish at Villa Angela-St. Joseph High School; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 523-17.**

**By Council Member McCormack.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Annual Diversity Center of Northeast Ohio Walk/Run, on May 6, 2017, sponsored by Hermes Sports and Events, Inc.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Annual Diversity Center Northeast Ohio Walk/Run on May 6, 2017, start: Erieside Avenue at the Rock & Roll Hall of Fame; Erieside east to Burke Airport loop; go around Burke Airport Loop; North Marginal Road west to East 9th Street; East 9th south to Lakeside Avenue; Lakeside west to West 3rd Street; West 3rd south to St. Clair Avenue; St. Clair west to West 9th Street; West 9th north to West Lakeside Avenue (under bridge); West Lakeside east to West 3rd Street; West 3rd north to Erieside Avenue; Erieside east to Rock & Roll Hall of Fame—finish line; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

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

**Res. No. 517-17.**

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

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

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

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

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

**Section 1.** That objection to the transfer of location of a D5 and D6 Liquor Permit to Medusa Restaurant

& Lounge, LLC, 1437 St. Clair Avenue, Cleveland, Ohio 44114, Permanent No. 5805794, be and the same is hereby withdrawn and Resolution No. 147-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

**Res. No. 518-17.**

**By Council Member Kazy.**

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

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

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from R & Bee, Inc., DBA Rons Mini Mart, 4382 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7148574 to Brooklyn To Cleveland, LLC, 4382 West 130th Street, Cleveland, Ohio 44135, Permanent Number 0978522; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 519-17.**

**By Council Member Brady.**

**An emergency resolution objecting to a New C1 Liquor Permit at 1379 West Boulevard.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Jarvis Catering Services, LLC, DBA Jarvis Catering Services, 1379 West Boulevard, Cleveland, Ohio 44102, Permit Number 4247065; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation

of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Jarvis Catering Services, LLC, DBA Jarvis Catering Services, 1379 West Boulevard, Cleveland, Ohio 44102, Permit Number 4247065; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 520-17.**

**By Council Member Cleveland.**

**An emergency resolution objecting to the transfer of stock of a C1 Liquor Permit to 5841 Broadway Avenue, Unit A.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a transfer of stock of a C1 Liquor Permit at Moran Foods, LLC, DBA Save A Lot, #648, 5841 Broadway Avenue, Unit A, Cleveland, Ohio 44127, Permit Number 61433920205; and

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

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

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

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

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



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

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

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

**Section 1.** That Council does hereby record its objection to a transfer of stock of a C1 Liquor Permit at Moran Foods, LLC, DBA Save A Lot, #648, 5841 Broadway Avenue, Unit A, Cleveland, Ohio 44127, Permit Number 61433920205, and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 521-17.**

**By Council Member Polensek.**

**An emergency resolution objecting to the transfer of ownership of a C2, C2X, D6 and D8 Liquor Permit to 1015 East 185th Street.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C2, C2X, D6 and D8 Liquor Permit from Jaikabir, Inc., DBA McBills Beverage, 1015 East 185th Street, Cleveland, Ohio 44119, Permit Number 4220443 to R C Brothers, Inc., DBA McBill's Beverage, 1015 East 185th Street, Cleveland, Ohio 44119, Permit Number 7148634; and

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

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

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

Whereas, the place for which the

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2, C2X, D6 and D8 Liquor Permit from Jaikabir, Inc., DBA McBills Beverage, 1015 East 185th Street, Cleveland, Ohio 44119, Permit Number 4220443 to R C Brothers, Inc., DBA McBill's Beverage, 1015 East 185th Street, Cleveland, Ohio 44119, Permit Number 7148634; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 522-17.**

**By Council Member Mitchell.**

**An emergency resolution withdrawing objection to a New D5J Liquor Permit at 11460 Uptown Avenue and patio and repealing Resolution No. 463-17, objecting to said permit.**

Whereas, this Council objected to a New D5J Liquor Permit at 11460 Uptown Operating Company, LLC, 11460 Uptown Avenue and patio, Cleveland, Ohio 44106, Permit Number 6548334 by Resolution No. 463-17 adopted by the Council on April 24, 2017; and

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

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

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

**Section 1.** That objection to a New D5J Liquor Permit at 11460 Uptown Operating Company, LLC, 11460 Uptown Avenue and patio, Cleveland, Ohio 44106, Permit Number 6548334, be and the same is hereby withdrawn and Resolution No. 463-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 283-17.**

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

An emergency ordinance authorizing the Director of Public Safety to enter into a Mutual Aid Agreement with the City of Columbus for reciprocal field force services, SWAT unit services, and use of police equipment within all respective areas, including Cleveland Hopkins International Airport.

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

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

**Ord. No. 360-17.**

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

An emergency ordinance authorizing the Director of Public Safety to accept the donation of pre-packaged frozen desserts, use of a freezer, and related items, from the Cleveland Police Foundation for the "Let's Chill Together" program for local youths and young adults, Division of Police, Department of Public Safety.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance, when amended, as follows:

1. In the title, at the end, strike the period and insert "; and to accept additional donations of pre-packaged frozen desserts, related items, and/or ancillary equipment from other entities for other events."

2. Insert a third whereas clause to read as follows: "WHEREAS, additional donations of pre-packaged frozen desserts, related items, and/or ancillary equipment may be accepted by the Director of Public Safety from other entities for other events; and".

3. In Section 1, line 4, strike "valued at approximately \$13,525."

4. Insert new Section 2 to read as follows: "Section 2. That the Director of Public Safety is authorized to accept the donation of pre-packaged frozen desserts, related items, and/or ancillary equipment on behalf of the City so that pre-packaged frozen desserts can be served by Cleveland police officers and other City employees to City residents, which include local youths and young adults, at other events."

5. Remove existing Section 2 to new "Section 3".

Amendments agreed to.

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 434-17.

By Council Member Kelley.

An emergency resolution fixing the 2017 summer schedule of meetings of the Council of the City of Cleveland.

Approved by Committee on Finance.

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

MOTION

On the motion of Council Member Brady, the absence of Council Member Mamie J. Mitchell is hereby authorized. Seconded by Council Member J. Johnson.

MOTION

The Council Meeting adjourned at 7:45 p.m. to meet on Monday, May 8, 2017, at 7:00 p.m. in the Council Chamber.

Handwritten signature of Patricia J. Britt

Patricia J. Britt City Clerk, Clerk of Council

CORRECTION

Due to an error, the following pieces of legislation were printed with the incorrect vote count in the April 26, 2017 City Record, Vol. 104, No. 5394. The correct vote is reflected below.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1279-15.

By Council Member Kelley.

An emergency ordinance to repeal various sections of Chapter 433 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 433.01 through 433.03, 433.05 and 433.07, and by amending

Section 433.04 as amended by Ordinance No. 91-96, passed March 18, 1996; and to repeal Section 433.011 of the codified ordinances, relating to intoxication, reckless operation and speed.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance, when amended, as follows:

1. Strike the title in its entirety and insert:

"An Emergency Ordinance to repeal various sections of Chapters 431 and 433 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by various ordinances; and to supplement the codified ordinances by enacting new Sections 431.01, 431.02, 431.03, 431.04, 431.05, 431.06, 431.07, 431.08, 431.09, 431.10, 431.12, 431.13, 431.14, 431.15, 431.16, 431.17, 431.18, 431.19, 431.21, 431.22, 431.23, 431.24, 431.27, 431.31, 431.35, 431.37, 431.38, 431.39, 431.40, 431.45, 433.02, 433.03, 433.04, 433.05, and 433.07; relating to vehicle operation generally, reckless operation and speed."

2. Strike Section 1 in its entirety and insert:

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

Sections 431.01 and 431.02, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 431.03, as amended by Ordinance No. 518-13, passed May 20, 2013,

Sections 431.04, 431.05, 431.06 and 431.07, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 431.08, as amended by Ordinance No. 672-12, passed June 4, 2012,

Section 431.09, as amended by Ordinance No. 91-96, passed March 18, 1996,

Section 431.10, as amended by Ordinance No. 672-12, passed June 4, 2012,

Section 431.12, as amended by Ordinance No. 91-96, passed March 18, 1996,

Sections 431.13, 431.14, 431.15 and 431.16, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 431.17, as amended by Ordinance No. 1459-78, passed November 22, 1978,

Sections 431.18, 431.19, 431.21, 431.22, 431.23, 431.24, 431.27, and 431.31, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 431.35, as amended by Ordinance No. 755-A-86, passed October 27, 1986,

Sections 431.37, 431.38, and 431.39, as amended by Ordinance No. 835-03, passed June 10, 2003, and

Section 431.40, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Sections 433.02, 433.03, and 433.04, as amended by Ordinance No. 91-96, passed March 18, 1996,

Section 433.05, as amended by Ordinance No. 1684-76, passed June 29, 1976, and

Section 433.07, as amended by Ordinance No. 91-96, passed March 18, 1996

are repealed."

3. Strike Sections 2, 3, 4, and 5 in their entirety and insert:

"Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 431.01, 431.02, 431.03, 431.04, 431.05, 431.06, 431.07, 431.08, 431.09,

431.10, 431.12, 431.13, 431.14, 431.15, 431.16, 431.17, 431.18, 431.19, 431.21, 431.22, 431.23, 431.24, 431.27, 431.31, 431.35, 431.37, 431.38, 431.39, 431.40, 431.45, 433.02, 433.03, 433.04, 433.05, and 433.07 to read as follows:

Section 431.01 Driving upon Right Side of Roadway; Exceptions

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing those movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(3) When driving upon a roadway divided into three (3) or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one (1) way traffic;

(5) When otherwise directed by a police officer or traffic control device.

(b) (1) Upon all roadways any vehicle or trackless trolley proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if the passing is safe and reasonable, except under any of the following circumstances:

A. When overtaking and passing another vehicle proceeding in the same direction;

B. When preparing for a left turn;

C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.

(2) Nothing in division (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(c) Upon any roadway having four (4) or more lanes for moving traffic and providing for two (2) way movement of traffic, no vehicle or trackless trolley shall be driven to the left of the centerline of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (a)(2) of this section. This division shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway. (RC 4511.25)

Section 431.02 Passing to Right When Proceeding in Opposite Directions

Operators of vehicles and trackless trolleys proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of

the roadway or as nearly one-half as is reasonably possible.  
(RC 4511.26)

**Section 431.03 Overtaking and Passing of Vehicles Proceeding in the Same Direction**

(a) The following rules govern the overtaking and passing of vehicles or trackless trolleys proceeding in the same direction:

(1) The operator of a vehicle or trackless trolley overtaking another vehicle proceeding in the same direction shall, except as provided in division (a)(3) of this section, signal to the vehicle or trackless trolley to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle or trackless trolley. When a motor vehicle or trackless trolley overtakes and passes a bicycle, three feet or greater is considered a safe passing distance.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle or trackless trolley overtaking and passing another vehicle or trackless trolley proceeding in the same direction on a divided highway as defined in Section 431.31, a limited access highway as defined in RC 5511.02 or a highway with four (4) or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.  
(RC 4511.27)

(b) The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall leave a safe distance, but not less than three (3) feet, when passing the bicycle and shall maintain that distance, and shall not increase the speed of his or her vehicle, until safely past the overtaken bicycle. The same requirements shall apply to the operator of a commercial motor vehicle, commercial truck, commercial unit, or bus, except that the safe distance shall not be less than six (6) feet. However, in the case of a bus operated by a transit authority that has implemented a training program that promotes safe bus operation while overtaking a bicycle, that safe distance shall be not less than three (3) feet.

(c) The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall vacate the lane in which the bicycle user is located if the roadway has two (2) or more marked lanes running in the same direction.

**Section 431.04 Overtaking and Passing upon Right of Another Vehicle**

(a) The driver of a vehicle or trackless trolley may overtake and pass upon the right of another vehicle or trackless trolley only under the following conditions:

(1) When the vehicle or trackless trolley overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient

width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle or trackless trolley may overtake and pass another vehicle or trackless trolley only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway.  
(RC 4511.28)

**Section 431.05 Overtaking, Passing to Left of Center**

No vehicle or trackless trolley shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle or trackless trolley must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before coming within two hundred (200) feet of any approaching vehicle.  
(RC 4511.29)

**Section 431.06 Additional Restrictions on Driving upon Left Side of Roadway**

(a) No vehicle or trackless trolley shall be driven upon the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(2) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel;

(3) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.

(b) This section does not apply to vehicles or trackless trolleys upon a one (1) way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in RC 4511.25(A)(2) or a substantially equivalent municipal ordinance.  
(RC 4511.30)

**Section 431.07 Hazardous or No Passing Zones**

(a) Hazardous zones, commonly called "no passing zones," shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel and to the right of the normal center line or marked lane line, no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal center line or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another

vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone.

(b) The department of transportation may determine those portions of any state highway where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous and may, by appropriate signs or markings on the highway, indicate the beginning and end of such zones. When signs or markings are in place and clearly visible, every operator of a vehicle or trackless trolley shall obey the directions of the signs or markings, notwithstanding the distances set out in RC 4511.30 and in Section 431.06.

(c) Divisions (a) and (b) of this section do not apply when all of the following apply:

(1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.

(2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.

(3) There is sufficient clear sight distance to the left of the center or centerline of the roadway to meet the overtaking and passing provisions of Section 431.05 and RC 4511.29, considering the speed of the slower vehicle.  
(RC 4511.31)

**Section 431.08 Driving in Marked Lanes or Continuous Lines of Traffic**

(a) Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic or wherever within the municipality traffic is lawfully moving in two (2) or more substantially continuous lines in the same direction, the following rules apply:

(1) A vehicle or trackless trolley shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three (3) lanes and provides for two (2) way movement of traffic, a vehicle or trackless trolley shall not be driven in the center lane except when overtaking and passing another vehicle or trackless trolley where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle or trackless trolley is proceeding and is posted with signs to give notice of such allocation.

(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, or restricting the use of a particular lane to only buses during



certain hours or during all hours, and drivers of vehicles or trackless trolleys shall obey the directions of such signs.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles or trackless trolleys shall obey the directions of every such device. (RC 4511.33)

(b) Except for the operator of a bus entering or exiting an authorized bus stop, the driver of a motor vehicle shall not drive, upon any on-street path, lane, trail or multi-purpose lane designated by official signs or markings for the exclusive use of bicycles or other non-motorized transportation or otherwise drive or place the vehicle in such a manner as to impede bicycle traffic on such path, lane, trail, or multi-purpose lane unless entering or exiting a legal parking space, alley, private road, driveway, or preparing to make a turn.

#### Section 431.09 Space Between Moving Vehicles

(a) The operator of a motor vehicle, streetcar, or trackless trolley shall not follow another vehicle, streetcar, or trackless trolley more closely than is reasonable and prudent, having due regard for the speed of such vehicle, streetcar, or trackless trolley, and the traffic upon and the condition of the highway.

(b) The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

(c) Outside a municipal corporation, the driver of any truck, or motor vehicle when drawing another vehicle, while ascending to the crest of a grade beyond which the driver's view of a roadway is obstructed, shall not follow within three hundred feet of another truck, or motor vehicle drawing another vehicle. This paragraph shall not apply to any lane specially designated for use by trucks.

(d) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motoreade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions. (RC 4511.34)

#### Section 431.10 Turning at Intersections

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof

and by passing to the right of such center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(b) The operator of a trackless trolley shall comply with divisions (a) (1), (2), and (3) of this section wherever practicable.

(c) The Ohio Department of Transportation and the city may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles, streetcars, or trackless trolleys, turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle, streetcar, or trackless trolley, shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(d) The operator of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle or bicycle approaching from the opposite direction. (RC 4511.36)

#### Section 431.12 "U" Turns Restricted

(a) Except as provided in RC 4511.13 and division (b) of this section, no vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if such vehicle cannot be seen within five hundred (500) feet by the driver of any other vehicle approaching from either direction.

(b) The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This division applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one (1) flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle, or bell. This division does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) Except as provided in division (b) of this section, no vehicle shall be turned so as to proceed in the

opposite direction within an intersection, or upon any street in a business district, or upon a freeway, expressway or controlled-access highway, or where authorized signs are erected to prohibit such movement, or at any other location unless such movement can be made with reasonable safety to other users of the street and without interfering with the safe operation of any traffic that may be affected by such movement. (RC 4511.37)

#### Section 431.13 Starting and Backing Vehicles

(a) (1) No person shall start a vehicle, streetcar, or trackless trolley which is stopped, standing or parked until the movement can be made with reasonable safety.

(2) Before backing, operators of vehicles, streetcars, or trackless trolleys shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

(3) No person shall back a motor vehicle on a freeway, except:

A. In a rest area;

B. In the performance of public works or official duties;

C. As a result of an emergency caused by an accident or breakdown of a motor vehicle. (RC 4511.38)

#### Section 431.14 Signals Before Changing Course, Turning or Stopping

(a) (1) No person shall turn a vehicle or trackless trolley or move right or left upon a highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety, nor without giving an appropriate signal in the manner hereinafter provided.

(2) When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle or trackless trolley before turning except that in the case of a person operating a bicycle, the signal shall be made not less than one (1) time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle.

(3) No person shall stop or suddenly decrease the speed of a vehicle or trackless trolley without first giving an appropriate signal in the manner provided herein to the driver of any vehicle or trackless trolley immediately to the rear when there is opportunity to give a signal.

(4) Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic the intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of

the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet, whether a single vehicle or a combination of vehicles.

(5) The signal lights required by this section shall not be flashed on one (1) side only on a disabled vehicle or trackless trolley, flashed as a courtesy or "do pass" signal to operators of other vehicles or trackless trolleys approaching from the rear, nor be flashed on one (1) side only of a parked vehicle or trackless trolley except as may be necessary for compliance with this section.

(RC 4511.39)

**Section 431.15 Hand and Arm Signals**

(a) Except as provided in division (b) of this section, all signals required by this Traffic Code and RC 4511.01 to 4511.78, when given by hand and arm, shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(1) Left turn, hand and arm extended horizontally;

(2) Right turn, hand and arm extended upward;

(3) Stop or decrease speed, hand and arm extended downward.

(b) As an alternative to division (a)(2) of this section, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.

(RC 4511.40)

**Section 431.16 Right-of-Way at Intersections**

(a) When two vehicles, including any trackless trolley or streetcar, approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in division (a) of this section is modified at through highways and otherwise as stated in this Traffic Code and RC Chapter 4511.

(RC 4511.41)

**Section 431.17 Right-of-Way When Turning Left**

The operator of a vehicle, streetcar, or trackless trolley intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle, streetcar, or trackless trolley approaching from the opposite direction, whenever the approaching vehicle, streetcar, or trackless trolley is within the intersection or so close to the intersection, alley, private road, or driveway as to constitute an immediate hazard.

(RC 4511.42)

**Section 431.18 Operation of Vehicle at Yield Signs**

The driver of a vehicle or trackless trolley approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle or trackless trolley in the intersection or approaching on another roadway so closely as to

constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle or trackless trolley in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right-of-way.

(RC 4511.43(B))

**Section 431.19 Operation of Vehicles at Stop Signs**

Except when directed to proceed by a law enforcement officer, every driver of a vehicle or trackless trolley approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(RC 4511.43(A))

**Section 431.21 Right-of-Way of Public Safety or Coroner's Vehicle**

(a) (1) Upon the approach of a public safety vehicle or coroner's vehicle, equipped with at least one (1) flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle and the driver is giving an audible signal by siren, exhaust whistle, or bell, no driver of any other vehicle shall fail to yield the right-of-way, immediately drive, if practical, to a position parallel to, and as close as possible to, the right edge or curb of the highway clear of any intersection, and stop and remain in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(2) Upon the approach of a public safety vehicle or coroner's vehicle, as stated in division (a) (1) of this section, no operator of any streetcar or trackless trolley shall fail to immediately stop the streetcar or trackless trolley clear of any intersection and keep it in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(b) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the street.

(c) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with RC 4511.171, or a substantially equivalent municipal ordinance. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing, oscillating or rotating red or blue light and a siren, exhaust whistle or bell capable of giving an audible signal.

(RC 4511.45)

**Section 431.22 Right-of-way at Highway From any Place Other Than Another Roadway; Duty to Yield**

The operator of a vehicle, streetcar, or trackless trolley about to enter or cross a highway from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed.

(RC 4511.44)

**Section 431.23 Driving onto Roadway from Place Other than Roadway; Stopping at Sidewalk**

The driver of a vehicle or trackless trolley emerging from an alley, building, private road, or driveway within a business or residence district shall stop the vehicle or trackless trolley immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(RC 4511.431)

**Section 431.24 Right-of-Way of Funeral Procession**

(a) As used in this section, "funeral procession" means two (2) or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with RC 4511.45 or a substantially equivalent municipal ordinance, or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right-of-way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection, notwithstanding any traffic-control devices or right-of-way provisions of the Revised Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

(c) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

(RC 4511.451)

**Section 431.27 Following and Parking Near Emergency or Safety Vehicles**

The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than five hundred (500) feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.

(RC 4511.72)

**Section 431.31 Driving upon Divided Roadways**

Whenever any street has been divided into two (2) roadways by an

intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or section for the purpose of an emergency stop or in compliance with an order of a police officer.

(RC 4511.35)

**Section 431.35 Occupying a Moving Trailer or Manufactured Home**

No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(RC 4511.701)

**Section 431.37 Driving upon Sidewalks, Street Lawns or Curbs**

(a) (1) No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway or without first obtaining a permit from the Director of Public Service.

(2) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles, except that no local authority may require that bicycles be operated on sidewalks.

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

(RC 4511.711)

**Section 431.38 Stopping for School Bus; Discharging Children**

(a) The driver of a vehicle, street-car, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten (10) feet from the front or rear of the school bus and shall not proceed until the school bus resumes motion, or until signaled by the school bus driver to proceed. It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (b) of this section.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of RC 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever, but only whenever, the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the

bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c) Where a highway has been divided into four (4) or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (a) above.

(d) School buses operating on divided highways or on highways with four (4) or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(f) (1) Whoever violates division (a) of this section may be fined an amount not to exceed five hundred dollars (\$500.00). A person who is issued a citation for a violation of division (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2) In addition to and independent of any other penalty provided by law, the court may impose upon an offender who violates this section a class seven (7) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in RC 4510.02(A)(7). When a license is suspended under this section, the court shall cause the offender to deliver the license to the court, and the court or Clerk of the Court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action.

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

(1) "Head start agency" has the same meaning as in RC 3301.32.

(2) "School bus" means, as used in relation to children who attend a

program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in RC 4511.77, and is equipped with amber and red visual signals meeting the requirements of RC 4511.77, irrespective of whether or not the bus has fifteen (15) or more children aboard at any time. The term does not include a van owned and operated by a head start agency, irrespective of its color, lights or markings.

(RC 4511.75)

**Section 431.39 Driving Across Grade Crossing**

(a) (1) Whenever any person driving a vehicle or trackless trolley approaches a railroad grade crossing, the person shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:

A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.

B. A crossing gate is lowered.

C. A flagperson gives or continues to give a signal of the approach or passage of a train.

D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing the passage of other vehicles, trackless trolleys, pedestrians or railroad trains, notwithstanding any traffic-control signal indication to proceed.

E. An approaching train is emitting an audible signal or is plainly visible, and is in hazardous proximity to the crossing.

F. There is insufficient undercarriage clearance to safely negotiate the crossing.

(2) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (a)(1)A. through (a)(1)F. of this section exist at the crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed, or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(RC 4511.62)

**Section 431.40 Stopping at Grade Crossing**

(a) (1) Except as provided in division (a)(2) of this section, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 C.F.R. Parts 100 to 185, before crossing at grade any track of a railroad, shall stop the vehicle, and while so stopped, shall listen through an open door or open window, and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping,



looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing, and shall not shift gears while crossing the tracks.

(2) Division (a) of this section does not apply at grade crossings when any local authority has filed an application with the Public Utilities Commission requesting the approval of an exempt crossing, and the Public Utilities Commission has authorized and approved an exempt crossing as provided in RC 4511.63(B).

(3) As used in division (a) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Bus" means any vehicle originally designed by its manufacturer to transport sixteen (16) or more passengers, including the driver, or carries sixteen (16) or more passengers, including the driver.

B. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under RC 4511.63(B) at which vehicles may cross without making the stop otherwise required by this section.

C. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

(4) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one (1) or more violations of division (a) of this section or RC 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree. (RC 4511.63)

(b) (1) As used in this section, "active grade crossing warning device" has the same meaning as in RC 5733.43.

(2) The Ohio Department of Transportation and local authorities, with the approval of the Department, may designate dangerous highway crossings over railroad tracks and erect stop signs thereat.

(3) A. The Department and local authorities shall erect stop signs at a railroad highway grade crossing in either of the following circumstances:

1. New warning devices that are not active grade crossing warning devices are being installed at the grade crossing, and railroad crossbucks were the only warning devices at the grade crossing prior to the installation of the new warning devices.

2. The grade crossing is constructed after July 1, 2013 and only warning devices that are not active grade crossing warning devices are installed at the grade crossing.

B. Division (b)(3)A. of this section does not apply to a railroad highway grade crossing that the Ohio Director of Transportation has

exempted from that division because of traffic flow or other considerations or factors.

(4) When stop signs are erected pursuant to division (b)(2) or (b)(3) of this section, the operator of any vehicle shall stop within fifty (50), but not less than fifteen (15), feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(5) Except as otherwise provided in this division, whoever violates division (b)(4) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (RC 4511.61)

#### Section 431.45 Operation of Low-Speed Vehicle

No person shall operate a low-speed vehicle upon any street or highway having an established speed limit greater than thirty-five miles per hour.

#### Section 433.02 Operation in Willful or Wanton Disregard of Safety

(a) No person shall operate a vehicle, trackless trolley or streetcar on any street or highway in willful or wanton disregard of the safety of persons or property.

(b) (1) No person shall operate a vehicle, trackless trolley or streetcar on any public or private property other than streets or highways in willful or wanton disregard of the safety of persons or property.

(2) Division (b)(1) of this section does not apply to the competitive operation of vehicles on public or private property when the owner of the property knowingly permits such operation thereon.

(c) Except as otherwise provided in this division, whoever violates any provision of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates any provision of this section is guilty of a misdemeanor of the third degree. (RC 4511.20, 4511.201)

#### Section 433.03 Maximum Speed Limits; Assured Clear Distance Ahead

(a) No person shall operate a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard for the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit him or her to bring it to a stop within the assured clear distance ahead.

(b) It is prima facie lawful, in the absence of a lower limit declared or established pursuant to this section by the Ohio Director of Transportation or local authorities, for the operator of a motor vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(1) A. Twenty (20) miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty (20) miles per hour school speed limit signs are erected, except that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (b)(4) of this section, and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (b)(9) and (b)(10) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the Manual and Specifications for a Uniform System of Traffic-Control Devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means any school chartered under RC 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone. "School" also includes a special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of the written request, the County Engineer shall create a school zone at that location by erecting appropriate signs.

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the Ohio Director of Transportation or a request from a County Engineer in the case of a school zone for a special elementary school, the Director may extend the traditional school zone boundaries. The distances in divisions (b)(1)C.1. through (b)(1)C.3. below shall not exceed three hundred (300) feet per approach per direction, and are bounded by whichever of the following distances or combination thereof the Director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and

extending a distance of three hundred (300) feet on each approach direction;

2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred (300) feet on each approach direction;

3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred (300) feet on each approach direction of the highway.

D. Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (b)(1)A. and (b)(1)C. of this section.

E. As used in this division, "crosswalk" has the meaning given that term in RC 4511.01(LL)(2).

F. The Director may, upon request by resolution of the legislative authority and upon submission by the municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a state route lying within the municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of a crosswalk is no more than one thousand three hundred twenty (1,320) feet. Such a school zone shall include the distance encompassed by the crosswalk and extending three hundred (300) feet in each appropriate direction of the state route.

G. As used in this section, "special elementary school" means a school that meets all of the following:

1. It is not chartered and does not receive tax revenue from any source.

2. It does not educate children beyond the eighth grade.

3. It is located outside the limits of a municipal corporation.

4. A majority of the total number of students enrolled at the school are not related by blood.

5. The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.

(2) Twenty-five (25) miles per hour in all other portions of the municipality, except on state routes outside business districts, through highways outside business districts and alleys;

(3) Thirty-five (35) miles per hour on all state routes or through highways within the municipality outside business districts, except as provided in divisions (b)(4) and (b)(6) of this section;

(4) Fifty (50) miles per hour on controlled-access highways and expressways within the municipality;

(5) Fifty-five (55) miles per hour on highways outside the municipality, other than highways within island jurisdictions as provided in division (b)(8) of this section, highways as provided in division (b)(9) of this section, and highways, expressways and freeways as provided in divisions (b)(12), (b)(13), (b)(14) and (b)(16) of this section;

(6) Fifty (50) miles per hour on state routes within the municipality outside urban districts unless a lower prima facie speed is established as further provided in this section;

(7) Fifteen (15) miles per hour on all alleys within the municipality;

(8) Thirty-five (35) miles per hour on highways outside the municipality that are within an island jurisdiction;

(9) Sixty (60) miles per hour on two (2) lane state routes outside municipal corporations as established by the Director under RC 4511.21(H)(2);

(10) Fifty-five (55) miles per hour at all times on freeways with paved shoulders inside the municipality, other than freeways as provided in divisions (b)(14) and (b)(16) of this section;

(11) Fifty-five (55) miles per hour at all times on freeways outside the municipality, other than freeways as provided in divisions (b)(14) and (b)(16) of this section;

(12) Sixty (60) miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;

(13) Sixty-five (65) miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;

(14) Seventy (70) miles per hour for operators of any motor vehicle at all times on all rural freeways;

(15) Fifty-five (55) miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the Director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;

(16) Sixty-five (65) miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the Director and that are part of the interstate system and are part of an interstate freeway outerbelt.

(e) It is prima facie unlawful for any person to exceed any of the speed limitations in divisions (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) and (b)(8) of this section or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (d) of this section. No person shall be convicted of more than one (1) violation of this section for the same conduct, although violations of more than one (1) provision of this section may be charged in the alternative in a single affidavit.

(d) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:

(1) At a speed exceeding fifty-five (55) miles per hour, except upon a two (2) lane state route as provided in division (b)(9) of this section

and upon a highway, expressway or freeway as provided in divisions (b)(12), (b)(13), (b)(14) and (b)(16) of this section;

(2) At a speed exceeding sixty (60) miles per hour upon a two (2) lane state route as provided in division (b)(9) of this section and upon a highway as provided in division (b)(12) of this section;

(3) At a speed exceeding sixty-five (65) miles per hour upon an expressway as provided in division (b)(13) of this section or upon a freeway as provided in division (b)(16) of this section, except upon a freeway as provided in division (b)(14) of this section;

(4) At a speed exceeding seventy (70) miles per hour upon a freeway as provided in division (b)(14) of this section;

(5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to RC 4511.21(I)(2) or (L)(2).

(e) Pursuant to RC 4511.21(E), in every charge of violating this section, the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (c) of this section also the speed which division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of, or a limit declared or established pursuant to, this section or RC 4511.21 declares is prima facie lawful at the time and place of the alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to stop within the assured clear distance ahead, the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) Pursuant to RC 4511.21(F), when a speed in excess of both a prima facie limitation and a limitation in division (d) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of this section, or of a limit declared or established pursuant to this section or RC 4511.21 by the Director or local authorities, and of the limitation in division (d) of this section. If the court finds a violation of division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of, or a limit declared or established pursuant to, this section or RC 4511.21 has occurred, it shall enter a judgment of conviction under that division and dismiss the charge under division (d) of this section. If it finds no violation of division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of, or a limit declared or established pursuant to, this section or RC 4511.21, it shall then consider whether the evidence supports a conviction under division (d) of this section.

(g) Pursuant to RC 4511.21(G), points shall be assessed for a violation of a limitation under division (d) of this section in accordance with RC 4510.036.

(RC 4511.21(A) - (G))

(h) Whenever, in accordance with RC 4511.21(H) through (N), the maximum prima facie speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on those signs. It is prima facie unlawful for any person to exceed the speed limits posted upon the signs.

(i) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Commercial bus" means a motor vehicle designed for carrying more than nine (9) passengers and used for the transportation of persons for compensation.

(2) "Interstate system" has the same meaning as in 23 U.S.C. 101.

(3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or non-profit organization.

(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.

(5) "Rural" means, outside urbanized areas, as designated in accordance with 23 U.S.C. § 101, and outside of a business or urban district. (RC 4511.21(O))

(j) Penalty means:

(1) A violation of any provision of this section is one (1) of the following:

A. Except as otherwise provided in divisions (j)(1)B., (j)(1)C., and (j)(2) and (j)(3) of this section, a minor misdemeanor;

B. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to two (2) violations of any provision of this section, RC 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the fourth degree;

C. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to three (3) or more violations of any provision of this section, RC 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the third degree.

(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section, RC 4511.21, or any other municipal ordinance that is substantially equivalent to any provision of that section, and operated a motor vehicle faster than thirty-five (35) miles per hour in a business district of the municipality, faster than fifty (50) miles per hour in other portions of the municipality, or faster than thirty-five (35) miles per hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3) Notwithstanding division (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was

then posted in accordance with RC 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two (2) times the usual amount imposed for the violation. No court shall impose a fine of two (2) times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

(RC 4511.21(P))

Section 433.04 Stopping or Slow Speed; Posted Minimum Speeds

(a) No person shall stop or operate a vehicle trackless trolley, or streetcar at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever the Ohio Director of Transportation or the Council determine on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled-access highway, expressway, or freeway consistently impede the normal and reasonable movement of traffic, the Director or such local authority may declare a minimum speed limit below which no person shall operate a motor vehicle, trackless trolley, or streetcar except when necessary for safe operation or in compliance with law. No minimum speed limit established hereunder shall be less than thirty (30) miles per hour, greater than fifty (50) miles per hour, nor effective until the provisions of RC 4511.21 and Section 433.03, relating to appropriate signs, have been fulfilled and the City has obtained the approval of the Director.

(c) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(RC 4511.22)

(e) (1) It is prima-facie unlawful for the operator of a vehicle to operate such vehicle on any portion of a controlled-access highway at a speed less than thirty-five (35) miles per hour where the speed limit is fifty (50) miles per hour and at a speed less than forty (40) miles per hour where the speed limit is thirty-five (35) miles per hour.

(2) This limit shall not apply to any operation on a ramp nor to any person while engaged in maintenance or construction work on such

highway or to any employee of a public agency while engaged in the performance of his or her official duties.

Section 433.05 Speed Limitations Over Bridges

(a) No person shall operate a vehicle, trackless trolley, or streetcar over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed that can be maintained with safety to the bridge or structure, when the structure is posted with signs as provided in this section.

(b) The Ohio Department of Transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety withstand traffic traveling at the speed otherwise permissible under RC 4511.01 to 4511.85 and 4511.98, the Department shall determine and declare the maximum speed of traffic which the structure can withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained at a distance of at least one hundred (100) feet before each end of the structure.

(c) Upon the trial of any person charged with a violation of this section, proof of such determination of the maximum speed by the Department and the existence of the signs shall constitute prima facie evidence of the maximum speed which can be maintained with safety to the bridge or structure.

(RC 4511.23)

Section 433.07 Street Racing and Racing Prohibited

(a) As used in this section, "street racing" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two (2) or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by RC 4511.21(B)(1)(a) through (B)(8) or a substantially equivalent municipal ordinance, or rapidly accelerating from a common starting point to a speed in excess of the prima facie lawful speeds shall be prima facie evidence of street racing.

(b) No person shall participate in street racing upon any public road, street or highway in this City.

(c) Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privileges for not less than thirty (30) days or more than three (3) years. No judge shall suspend the first thirty (30) days of any suspension of an offender's



**license, permit or privilege imposed under this division. (RC 4511.251)"**

4. That existing Section 6 is renumbered to new "Section 3". Amendments agreed to.

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

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

**Ord. No. 1280-15.**

By Council Member Kelley. An emergency ordinance to repeal various sections of Chapter 435 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 435.02, 435.03, 435.05 through 433.09, 433.11 and 435.15; and by amending Sections 435.01, 435.04, 435.16 and 435.17 as amended by various ordinances, relating to licensing and accidents.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Safety, Finance, when amended, as follows:

1. In the title, line 6, strike "433.09, 433.11" and insert "435.09, 435.11".

2. In Section 2, at new Section 435.05(d), line 1, strike "criminal forfeiture" and insert "immobilization".

3. In Section 2, at new Section 435.07(a)(1), line 6, after "permit was issued" insert a comma.

4. In Section 2, at new Section 435.09(a), line 4, after "furnished by the" insert "Ohio"; and in line 6, after "cycle or motor scooter, insert "autocycle".

5. In Section 2, at new Section 435.11(c), lines 2 and 3, strike "this section is guilty of"; and in Section 435.11(e), line 1, strike "division (A)" and insert "division (d)".

6. In Section 2, at new Section 435.15(a)(1), line 8, after "accident or collision" strike "or" and insert a comma; and in line 9, after "accident or collision," strike "or" and insert "and".

7. In Section 3, strike lines 1, 2, 3, and 4 in their entirety and insert "Section 3. That Section 435.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 835-03, passed June 10, 2003, and Sections 435.04, 435.16, and 435.17 as amended by Ordinance No. 91-96, passed March 18, 1996, are amended to read as follows:"

8. In Section 3, at amended Section 435.01(b), line 4, after "lawful possession" insert a comma.

9. In Section 3, at amended Section 435.16, strike division (a)(1) in its entirety and insert:

**"(a)(1) In the case of a motor vehicle accident or collision resulting in injury or damage to persons or property on any public or private property other than a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, shall stop at the scene of the accident or collision. Upon request of any person who is injured or damaged, or any other person, the operator shall give that person the operator's name and address, and if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number**

**of that motor vehicle, and, if available, exhibit the operator's driver's or commercial driver's license."**

10. In Section 3, at amended Section 435.17(a)(1), line 6, strike "exhibit the driver's driver's" and insert "exhibit the driver's".

11. In Section 4, line 1, after "435.01" insert "of the Codified Ordinances of Cleveland, Ohio, 1976".

Amendments agreed to.

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

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

**Ord. No. 362-17.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with RAS Aviation, LLC dba Premier Flight Academy for the lease of certain city owned space at Burke Lakefront Airport, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority.

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

1. in Section 1, line 9, after "two year period," insert "with three one-year options to renew,,"; and in line 10, after "Lease," insert "The first of the one-year options to renew may be exercised by the Director of Port Control only if additional legislative authority is obtained. If such additional legislative authority is granted, the second and third one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council."

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

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

Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Absent: Mayor Jackson and Director Dumas.

Others: Tiffany White Johnson, Commissioner, Purchases & Supplies.

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

Melissa Burrows, Director, Office of Equal Opportunity.

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

**Resolution No. 204-17.**

By Director Davis. Be it resolved, by the Board of Control of the City of Cleveland that the bid of Terrace Construction, Inc. for the public improvement of West 83rd Street Sewer Replacement Project (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on January 19, 2017, under the authority of Ordinance No. 1141-16, passed by the Council of the City of Cleveland on October 17, 2016, upon a unit basis for the improvement, in the aggregate amount of \$560,963.15, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

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

<u>SUBCONTRACTOR</u>	<u>CSB/MBE/FBE</u>	<u>WORK</u>
Rockport Construction	CSB	
		\$132,000.00(23.53%)
Vallejo Company	CSB	
		\$ 37,000.00(6.59%)

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Acting Directors Kimball, Withers, Director Cosgrove, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None. Absent: Mayor Jackson and Director Dumas.

**Resolution No. 205-17.**

By Director Spronz. Be it resolved by the Board of Control of the City of Cleveland that the bid of Mid American Construction, LLC. for the public improvement of the New City of Cleveland Kennel, Bid Package 1 Base Bid Items A through G, Alternate Item 1 and Add Optional Items 1 through 4, 6A and 6B, and 7 through 10, for the Office of Capital Projects, received on February 15, 2017 under the authority of Ordinance No. 246-15, passed April 13, 2015, upon a gross price basis for the improvement in the aggregate amount of \$6,058,150.00 is affirmed and approved as the lowest responsible bid; and the Director of the Office of Capital Projects is authorized to enter into contract with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

April 26, 2017

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 26, 2017 at 10:33 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Davis, Kennedy, Cox, Acting Directors Kimball, Withers, Director Cosgrove, Acting Director Benson,

the following subcontractors by Mid American Construction LLC is hereby approved:

<u>Subcontractor Amount</u>	<u>CSB/MBE/FBE Percentage</u>
Commerce Plumbing \$400,000.00	CSB 6.6%
Architectural Siding & Trim \$93,525.00	FBE 1.5%
Ullman Electric \$450,000.00	MBE 7.4%
Tech Ready Mix \$60,000.00	MBE .99%
Frank Novak & Sons \$62,137.00	FBE 1.0%
Chieftain Trucking & Excavation \$296,035.00	FBE 4.8%
Miles Mechanical \$325,000.00	MBE 5.3%
Castle Heating & Air TBD	CSB 0.0%
Duct Fabricators, Inc. TBD	N/A 0.0%
Lorain Glass \$220,000.00	N/A 0.0%
Phoenix Cement \$240,000.00	N/A 0.0%
Competitive Interiors \$330,000.00	N/A 0.0%
Nova Steel, Inc. TBD	N/A 0.0%

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Acting Directors Kimball, Withers, Director Cosgrove, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 206-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 116-15-045 located at 1372 East 171st Street, Cleveland, Ohio, 44110; 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, Marie J. Devorsky and Jon P. Devorsky have proposed to the City to purchase the parcel for side yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has approved the proposed

sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Marie J. Devorsky and Jon P. Devorsky for the sale of Permanent Parcel No. 116-15-045, 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 \$200,000, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Acting Directors Kimball, Withers, Director Cosgrove, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 207-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 006-28-054 located at 7116 Dearborn Avenue, Cleveland, Ohio, 44102; 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, Angelica Figueroa has proposed to the City to purchase the parcel for side yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 3 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City

of Cleveland with Angelica Figueroa for the sale of Permanent Parcel No. 006-28-054, 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 \$200,000, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Acting Directors Kimball, Withers, Director Cosgrove, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 208-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 118-10-049 located at 1952 East 75th Street; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Maria Fuqua has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has 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 Maria Fuqua for the sale and development of Permanent Parcel No. 118-10-049 located at 1952 East 75th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$200,000, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Acting Directors Kimball, Withers, Director Cosgrove, Acting Director Benson, Interim Director Ebersole, Director

McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 209-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 108-06-034 located at 746 East 93rd Street, Cleveland, Ohio, 44108; 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, Larry Griffin and Laura Griffin have proposed to the City to purchase the parcel for side yard expansion; and

Whereas, the following conditions exist

1. The member of Council from Ward 10 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Larry Griffin and Laura Griffin for the sale of Permanent Parcel No. 108-06-034, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Acting Directors Kimball, Withers, Director Cosgrove, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 210-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 110-07-033 located at 697 East

126th Street, Cleveland, Ohio, 44108; 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, Marvin Raum has proposed to the City to purchase the parcel for side yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Marvin Raum for the sale of Permanent Parcel No. 110-07-033, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Acting Directors Kimball, Withers, Director Cosgrove, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 211-17.**

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 109-07-010 located at 9811 South Blvd.; 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, Lillian Sharpley has proposed to the City to purchase and develop the Easterly Portion of the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has either approved the

proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Lillian Sharpley for the sale and development of the Easterly Portion of Permanent Parcel No. 109-07-010 located at 9811 South Blvd., according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Acting Directors Kimball, Withers, Director Cosgrove, Acting Director Benson, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date 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. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

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

ROBERT BENNETT,  
President



**CIVIL SERVICE NOTICE****ANNOUNCEMENTS — 2017  
Filing Beginning 5/5/2017**

Announ- cement No.	Exam Method	Classi- fication	Exam Type
70	EE	Animal Health Technician	Open
71	EE	Building Inspector I	Open
72	EE	Electrical Safety Inspector I	Open
73	EE	Environmental Compliance Specialist II - Lead	Open
74	EE	Plumbing Inspector I	Open
75	EE	Residential Building Inspector I	Open
76	EE	Safety Programs Officer I	Open
77	WR	Security Officer	Open
78	EE	Senior Budget & Management Analyst	Open

**PROOF OF CITY RESIDENCY**

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing**. The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current**. Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

Lease - from rental agency.

Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.

Utility bills bearing the property address **and** your name.

Post Office change of address form properly date stamped.

Official documents relating to home ownership including deed, purchase agreement, or insurance policy.

Bank statements (Within last three months).

School registration of children.

Car insurance documents.

Car registration **or** Driver's License **or** Ohio I.D. (**One only**).

Loans and credit card statements (Within last three months).

Rental contracts (e.g.: furniture, tools, car, etc.).

Current bills not listed above (Within last three months).

The following are examples of **unacceptable** categories of proof:

Library cards.

Voter registration cards.

Birth certificates.

Notarized letters or affidavits.

Social Security card.

Rental receipts from independent party without cancelled checks or money order receipt.

**APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 70**

**ANIMAL HEALTH TECHNICIAN  
(OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open examination for the above classification.

**FILING OF APPLICATION:**

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 5, 2017 UNTIL 11:59 PM. ON THURSDAY, MAY 18, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, MAY 18, 2017.

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at: CS@city.cleveland.oh.us.**

**NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.**

**SALARY:** The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$17.21 per Hour.

**EXAMINATION INFORMATION**

**TYPE: EXPERIENCE EVALUATION:** Applicant's grade will be determined based on Education and Experience found in Resume.

**NOTE:** All copies of diplomas, licenses, certificates, resumes and any other documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

**Duties:**

Under the supervision of the Chief Animal Control Officer and Veterinarian, assists in all aspects of the operation of the Kennel and Clinic. Examines, vaccinates, and prepares general health status reports of animals impounded and housed at the kennel. Implants microchips as needed and scans stray animals for microchips. Prepares and processes all necessary paperwork involved in the admittance, stay, and discharge of all animals impounded at the Kennel. Prepares animals for surgery. Assists the Veterinarian during operations. Maintains the supplies for the Clinic. Performs euthanasia procedures on injured, sick, dangerous, or unwanted animals by means of lethal injection (when certified). Performs kennel duties as required. Handles, feeds, cleans, and provides care to animals. Maintains the sanitary conditions of the kennels. Handles domestic, exotic, and wild animals that may be stray, injured, diseased, or have bite histories. Performs general maintenance of the Clinic and Kennel area. Performs other job-related duties as required. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

**Minimum Qualifications:**

A High School Diploma or GED is required. Must hold a Certificate of Completion of Animal Veterinary Technical School or must currently be enrolled in an Animal Veterinary Technical School and within one year of obtaining a Certificate of Completion. Must be able to assist in performing surgical procedures and in controlling large dogs. A Euthanasia Technician certificate is required within one year of the date of hire. Must be able to lift and carry animals of all sizes.

**NOTE:** Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

**VETERANS' PREFERENCE**

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission **at the time of filing** application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination.

**THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR**

**VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.**

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

**Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.**

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 71

BUILDING INSPECTOR I (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open examination for the above classification.

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 5, 2017 UNTIL 11:59 PM. ON THURSDAY, MAY 25, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, MAY 25, 2017.

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at: CS@city.cleveland.oh.us.**

**NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.**

**SALARY:** The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$14.26 - \$23.68 per Hour.

EXAMINATION INFORMATION

**TYPE: EXPERIENCE EVALUATION:**

Applicant's grade will be determined based on Education and Experience found in Resume.

**NOTE:** All copies of diplomas, licenses, certificates, resumes and any other documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

**Duties:**

Under supervision of the Commissioner of Code Enforcement, makes inspections of residential and commercial buildings and structures, or any appurtenances connected or attached to such buildings or structures in the course of construction for the purposes of ensuring compliance with laws, ordinances, rules, and regulations relating to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and maintenance. Performs related duties as required that pertain to enforcement of the Cleveland Housing, Building, and Zoning Codes as well as the Ohio Building and Residential Codes. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

**Minimum Qualifications:**

A High School Diploma or GED is required. A valid State of Ohio Driver's License is required. A State of Ohio Board of Building Standards (OBBS) certification as a Building Inspector and OBBS certification as a Residential Building Inspector are required. Must have and maintain certifications throughout employment. (Substitution: An OBBS interim or trainee certification as a Building Inspector and an OBBS interim certification as a residential building inspector may substitute for Building Inspector and Residential Building Inspector certifications.) ONE of the following is required: Three years of full time paid experience as a construction contractor or supervisor for non-residential buildings or structures within the scope of groups regulated by the rules of the board OR; three years of full time paid experience as a skilled tradesman for work subject to inspection under a model building code organization or a code adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board, or experience as specified in section 103.3.3(2) OR; successful completion of a trainee program pursuant to section 103.3.9.

**NOTE:** Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission at the

**time of filing** application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination.

**THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.**

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

**Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.**

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 72

ELECTRICAL SAFETY INSPECTOR I (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open examination for the above classification.

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 5, 2017 UNTIL 11:59 PM. ON THURSDAY, MAY 25, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, MAY 25, 2017.

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at: CS@city.cleveland.oh.us.**

**NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE**

**LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.**

**SALARY:** The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$14.83 - \$25.86 per Hour.

**EXAMINATION INFORMATION**

**TYPE: EXPERIENCE EVALUATION:** Applicant's grade will be determined based on Education and Experience found in Resume.

**NOTE:** All copies of diplomas, licenses, certificates, resumes and any other documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

**Duties:**

Under the supervision of the Commissioner of the Division of Code Enforcement and the Bureau Manager - Building, makes inspections of residential and commercial buildings and structures for the purposes of ensuring compliance with laws, ordinances, rules, and regulations relating to the design, installation, maintenance, alteration, repair, relocation, replacement, addition to, use, and inspection of electrical components, equipment and systems used in buildings and structures. Performs related duties as required that pertain to enforcement of the Cleveland Housing Code, Cleveland Building Code, Ohio Building Code, Residential Code of Ohio, and the National Electric Code. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

**Minimum Qualifications:**

A High School Diploma or GED is required. One of the following is required: (1) Must be a Journeyman Electrician OR equivalent for four years, two as an Electrician Unit Leader, and two years as a building department ESI trainee; (2) Must be a Journeyman Electrician or equivalent for four years and have three years' experience as a building department ESI trainee; (3) Must have four years' experience as a building department ESI trainee; (4) Must be a Journeyman Electrician or equivalent for six years; or (5) Must be an Electrical Engineer registered in the State of Ohio. A valid State of Ohio Driver's License is required. A State of Ohio Board of Building Standards (OBBS) Interim certification as an Electrical Safety Inspector is required and must be maintained throughout employment, a full certification is preferred.

**NOTE:** Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

**VETERANS' PREFERENCE**

Veterans' preference will be awarded, when applicable, to eligible veterans

in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission **at the time of filing** application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination.

**THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.**

**NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.**

**Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.**

**AN EQUAL OPPORTUNITY EMPLOYER**

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 73

**ENVIRONMENTAL COMPLIANCE SPECIALIST II - Lead (OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open examination for the above classification.

**FILING OF APPLICATION:**

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 5, 2017 UNTIL 11:59 PM. ON THURSDAY, MAY 25, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, MAY 25, 2017.

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at: CS@city.cleveland.oh.us.**

**NOTE: YOU ARE NOT APPLYING**

**FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.**

**SALARY:** The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$16.35 - \$25.56 per Hour.

**EXAMINATION INFORMATION**

**TYPE: EXPERIENCE EVALUATION:** Applicant's grade will be determined based on Education and Experience found in Resume.

**NOTE:** All copies of diplomas, licenses, certificates, resumes and any other documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

**Duties:**

This is a senior technical position that is responsible for reviewing Public Health Environmental Investigation reports, databases, fiscal reimbursement records, and related documents, to include Control Orders, Clearance reports, Notices of Compliance and Non-Compliance, and other environmental investigation, enforcement, fiscal reimbursement, and regulatory information. Interprets federal, state, and local environmental regulations and communicates this information to citizens, industry and the regulated community. Provides guidance to individuals on violations, investigation processes, compliance, and investigation issues and represents the agency in compliance, and education. Provides training to internal and external individuals and groups on environmental topics. Processes applications for construction and operating permits. Provides training to less senior staff and acts as supervisor in his/her absence. Represents the agency at public hearings. Perform other related duties as required. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

**Minimum Qualifications:**

A High School Diploma or GED is required. A Bachelor's Degree in Environmental Science, Chemistry, Physics, Biology, Geology, Engineering, Mathematics, or any other science related field from an accredited college or university is required. Two years of full time paid experience in lead risk assessment, asbestos compliance, or other environmental compliance is required. (Substitution: Two years of experience may be substituted for each year of college education lacking.) Must be a licensed lead risk assessor. Must demonstrate the ability to process environmental reports electronically with minimum supervision. A valid State of Ohio Driver's License is required. Experience



conducting Public Health Lead Investigations in the state of Ohio is preferred.

**NOTE:** Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

#### VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission at the time of filing application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination.

**THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.**

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

**Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.**

#### AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 74

#### PLUMBING INSPECTOR I (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open examination for the above classification.

#### FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 5, 2017 UNTIL 11:59 PM. ON THURSDAY, MAY 25, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, MAY 25, 2017.

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER**

**CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at: CS@city.cleveland.oh.us.**

**NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.**

**SALARY:** The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$14.83 - \$25.86 per Hour.

#### EXAMINATION INFORMATION

**TYPE: EXPERIENCE EVALUATION:** Applicant's grade will be determined based on Education and Experience found in Resume.

**NOTE:** All copies of diplomas, licenses, certificates, resumes and any other documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

#### Duties:

Under the supervision of the Commissioner of the Division of Code Enforcement and the Bureau Manager - Building, makes inspections of residential and commercial buildings and structures for the purposes of ensuring compliance with laws, ordinances, rules, and regulations relating to the design, installation, maintenance, alteration, repair, relocation, replacement, addition to, use, and inspection of Plumbing systems within buildings. Performs related duties as required that pertain to enforcement of the Cleveland Housing, Cleveland Building Code, Ohio Building Code, Residential Code of Ohio, and the Ohio Plumbing Code. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

#### Minimum Qualifications:

A High School Diploma or GED is required. ONE of the following is required: (1) The equivalent of at least seven years' of full time paid experience in the installation of plumbing subject to inspection under a model building code adopted for non-residential buildings or structures and within the scope of groups regulated by the rules of the board; (2) A Bachelor's Degree from an accredited four year college or university in Engineering or Architecture and three years of full time paid experience in plumbing system design; OR (3) Successful completion of a trainee program pursuant to 103.3.9. A valid State of Ohio Driver's License is required. A State of Ohio

Board of Building Standards (OBBS) Interim certification as a Plumbing Inspector and OBBS Interim Certification as a Residential Plumbing Inspector are required and must be maintained throughout employment, full certifications are preferred.

**NOTE:** Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

#### VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission at the time of filing application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination.

**THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.**

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

**Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.**

#### AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 75

#### RESIDENTIAL BUILDING INSPECTOR I (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open examination for the above classification.

#### FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 5, 2017 UNTIL 11:59 PM. ON THURSDAY, MAY 25, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, MAY 25, 2017.

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at: [CS@city.cleveland.oh.us](mailto:CS@city.cleveland.oh.us).**

**NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.**

**SALARY:** The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$17.69 – \$21.36 per Hour.

#### EXAMINATION INFORMATION

**TYPE: EXPERIENCE EVALUATION:** Applicant's grade will be determined based on Education and Experience found in Resume.

**NOTE:** All copies of diplomas, licenses, certificates, resumes and any other documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

#### **Duties:**

Under supervision of the Commissioner of the Division of Code Enforcement and the Bureau Manager - Building, makes inspections of One-, Two-, and Three-Family Dwellings during the course of construction for the purposes of ensuring compliance with laws, ordinances, rules, and regulations relating to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition. Performs related duties as required that pertain to enforcement of the Cleveland Housing Code, Cleveland Zoning Code, and the Ohio Residential Code. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

#### **Minimum Qualifications:**

A High School Diploma or GED is required. A valid State of Ohio Driver's License is required. One of the three is required: Three years of experience is required employed as a contractor or construction supervisor for residential or non-residential buildings or structures regulated by the rules of the board or experience as specified in section 103.3.3. OR: (2) as a skilled tradesman for work subject to inspection under a code adopted for buildings or structures regulated by

this code or the OBC OR; (3) successful completion of a trainee program pursuant to section 103.3.9. State of Ohio Board of Building Standards (OBBS) certification as an Interim Residential Building Inspector is required and must be maintained throughout employment, a full certification is preferred.

**NOTE:** Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

#### VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission at the time of filing application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination.

**THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.**

**NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.**

**Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.**

#### AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 76

#### SAFETY PROGRAMS OFFICER I (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open examination for the above classification.

#### FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 5, 2017 UNTIL 11:59 PM. ON THURSDAY, MAY 18, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, MAY 18, 2017.

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at: [CS@city.cleveland.oh.us](mailto:CS@city.cleveland.oh.us).**

**NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.**

**SALARY:** The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$25,000.00 – \$73,126.73 per Year.

#### EXAMINATION INFORMATION

**TYPE: EXPERIENCE EVALUATION:** Applicant's grade will be determined based on Education and Experience found in Resume.

**NOTE:** All copies of diplomas, licenses, certificates, resumes and any other documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

#### **Duties:**

Under general direction, assists in developing, implementing, and maintaining a safety program with applicable rules and regulations. Promotes safety awareness programs, including implementation of safety training. Assists in developing methods, procedures, and practices to prevent accidents. Investigates claims to determine validity as well as root causes of injuries. Works with Departmental personnel to formulate employee/management safety committees to identify and eliminate hazardous conditions. Prepares weekly reports identifying areas with high rates of injury. Performs ergonomic assessments, working in conjunction with the Bureau of Worker's Compensation Safety & Hygiene Division. Identifies best-practices for injury prevention and Worker's Compensation cost containment. Identifies transitional work positions within the Division. Performs surveillance to prevent abuse of the Worker's Compensation system when applicable. Ensures employee compliance with all safety programs. Develops safety manuals and procedures. Ensures compliance with all local, state, and federal rules and regulations. Performs other job-related duties as required. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

**Minimum Qualifications:**

A High School Diploma or GED is required. An Associate's Degree in Occupational Health and Safety, Business/Public Administration, or a closely related field from an accredited college or university is required. One year of progressively responsible experience in administering occupational health and safety, risk management, worker's compensation, or similar program involving the identification, evaluation, and control of safety hazards in work places as well as developing, evaluating, and implementing occupational health and safety programs is required. (Substitution: Two years of experience may substitute for each year of college education lacking.) A valid State of Ohio Driver's License is required. Must have strong computer and technical writing skills. Must be able to wear and utilize required safety equipment such as respirators, hearing protection, or fall restraining harnesses as required by the conditions present at any incident and as required under applicable state or federal regulations. STS or STS-C certification through the Board of Certified Safety Professionals may be required by the division within first year after appointment. HAZWOPER certification within one year of appointment may be required by division.

**NOTE:** Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission **at the time of filing** application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination.

**THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.**

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

**Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.**

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 77

SECURITY OFFICER (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open competitive examination for the above classification.

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 5, 2017 UNTIL 11:59 PM. ON THURSDAY, MAY 18, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, MAY 18, 2017.

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.**

**SALARY:** The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$14.16 - \$21.96 per hour.

**NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at: [CS@city.cleveland.oh.us](mailto:CS@city.cleveland.oh.us).**

EXAMINATION INFORMATION

**TYPE: WRITTEN EXAMINATION:** Candidates will be notified of the time, date, and place of the examination.

**NOTE:** All copies of diplomas, licenses, certificates, resumes and any other required documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

**Duties:**

Under supervision, is responsible for the security of Department of Public Utilities or other City of Cleveland buildings, property, records, and equipment. Takes immediate action to protect life and property within his/her jurisdiction. Performs such duties and works such hours as designated by the Chief of the Public Utilities Police Department or other superior and/or his/her designee. Assures

all key assigned installations are secured from outside intrusion on a 24 hour/7 days a week basis. Performs other job-related duties as required. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

**Minimum Qualifications**

A High School Diploma or GED is required. Private Security or Peace Officer certification from the Ohio Peace Officer Training Commission is required. A valid State of Ohio Driver's License is required. Must be able to lift and carry a minimum of 30 pounds. A 9mm handgun 20-hour certification is preferred.

**NOTE:** Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

**Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.**

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission **at the time of filing** application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination.

RESIDENCY CREDIT

In accordance with the Charter of the City of Cleveland: A person who has had as his/her primary residence in the City of Cleveland **for at least one year at the time of filing a Civil Service application**, and desires to take an entry-level Civil Service examination, shall, if a passing grade on the written examination is attained, have ten (10) points added to his/her **passing** score.

In order to receive residency credit, applicants must present the **originals OR LEGIBLE COPIES** of 4 **different** proofs of residency from ONE YEAR AGO\* and 4 **different** proofs of residency that are **CURRENT\*\*** (A total of EIGHT documents) for verification **at the time of filing**. ("Different" means that an applicant can provide (for example) a bank statement from a year ago, and a current statement



for the same bank account, but cannot provide multiple statements from the same account for different months to satisfy the 4 proofs requirement.

Such proofs include:

- Driver's License
- Bank Statements
- Utility Bills
- Mortgage or Lease Agreement
- Bills from creditors not listed above
- Other Postmarked mail such as magazines with name and mailing label attached, organization newsletters, medical/dental bills, voter registration card, or motor vehicle registration
- Insurance Statement (Home insurance, rental insurance, car insurance or other insurance documents).

**\* "ONE YEAR AGO" SHALL BE ONE YEAR PREVIOUS TO DATE OF FILING.** For example, if you are filing for the examination in September of 2016 you must present 4 different documents dated **July, or August, or September of 2015.**

**\*\* "CURRENT" SHALL BE WITH IN THE LAST THREE MONTHS.** For example, if you are filing for the examination in October of 2016 you must present 4 different documents dated **July, or August, or September of 2016.**

**NOTE: IF CREDITORS ARE PAID ONLINE, A COPY OF BILL IS TO BE PRINTED SHOWING THE ADDRESS OF THE APPLICANT. THE BILL MUST HAVE THE DATE VISIBLE.**

**THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.**

ANYONE WHO WISHES TO REQUEST AN ACCOMMODATION MUST DO SO **AT THE TIME OF FILING.** THE COMMISSION WILL CONTACT THE INDIVIDUAL CONCERNING SUCH ACCOMMODATION PRIOR TO THE EXAMINATION. THE COMMISSION MAY REFUSE TO PROVIDE SUCH ACCOMMODATION IF IT IS NOT REASONABLE OR WOULD CONSTITUTE AN UNDUE HARDSHIP. CURRENT (WITHIN ONE YEAR) DOCUMENTATION SUPPORTING THE NEED FOR THE REQUESTED ACCOMMODATION IS REQUIRED. SUCH DOCUMENTATION SHOULD BE SUBMITTED AT THE TIME OF FILING.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 78

SENIOR BUDGET & MANAGEMENT ANALYST (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio, of an open examination for the above classification.

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission/TestingAnnouncements>

No other form or method of application will be accepted. Absolutely no paper applications will be accepted.

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, MAY 5, 2017 UNTIL 11:59 PM. ON THURSDAY, MAY 18, 2017. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, MAY 18, 2017.

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**NOTE: ONCE YOU SUBMIT YOUR APPLICATION, FURTHER CHANGES TO THAT APPLICATION WILL NOT BE PERMITTED. All additional attachments, correspondence, notifications, and certifications will be made with applicants via email. Any updates of email or your online profile must be made at: CS@city.cleveland.oh.us.**

**NOTE: YOU ARE NOT APPLYING FOR AN IMMEDIATE JOB OPENING. YOU ARE APPLYING TO TAKE AN EXAMINATION WHICH WILL BE USED TO CREATE AN ELIGIBLE LIST FOR THIS JOB CLASSIFICATION. THAT LIST WILL BE USED FOR FUTURE HIRES IN THIS JOB CLASSIFICATION.**

**SALARY:** The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$26,273.96 – \$88,147.99 per Year.

EXAMINATION INFORMATION

**TYPE: EXPERIENCE EVALUATION:** Applicant's grade will be determined based on Education and Experience found in Resume.

**NOTE:** All copies of diplomas, licenses, certificates, resumes and any other documents must be uploaded and included with your Application when it is submitted. Applications without the required documents will be rejected.

**Duties:**

Under general direction, performs responsible and complex professional and administrative budget analyses, projections, and preparation. Researches and prepares annual operating budgets including anticipated revenue, capital budgets, and projected expenditures. Monitors and analyzes financial operations and prepares status reports of budgetary issues and concerns for the City as required. Monitors outside agencies for operating costs to assist management with long-term planning related to local issues, tax revenue, costs, and other required analyses. Supervises less senior employees. Performs other job-related duties as required. **Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.**

**Minimum Qualifications:**

A High School Diploma or GED is required. A Bachelor's Degree in Finance, Accounting, Business/Public Administration, or closely related field from a four-year accredited college or university is required. Four years of full time paid experience in a governmental Finance, Budget, or Management related field which must include one year of supervisory experience, is required. (Substitution: Two years of full time relative budgetary experience may be substituted for each year of college education lacking.) Must be computer proficient and have a knowledge of various financial reporting software packages. A valid State of Ohio Driver's License is required.

**NOTE:** Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission **at the time of filing** application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination.

**THE COMMISSION WILL NOT ENTERTAIN APPEALS FOR VETERANS' PREFERENCE OR RESIDENCY CREDIT AFTER THE APPLICANT HAS FILED HIS/HER APPLICATION. THE DECISION OF THE COMMISSION IS FINAL.**

**NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.**

**Any applicant that willfully provides any false document, statement, or certification in regard to any test will be terminated from all processing, removed from any eligible list, and may face possible criminal prosecution.**

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT BENNETT,  
President

May 3, 2017.

**PROPOSED AMENDMENTS TO CIVIL SERVICE RULE**

**NOTICE**

At the April 28, 2017, Meeting of the Civil Service Commission, several proposed revisions to the Rules of the Civil Service Commission were presented to the Commission for consideration. The Commission voted to approve the proposed amendments

as drafted, and to have them publicly posted and published. The Commission will vote on adopting the proposed amendments at a later meeting.

A copy of the proposed rules, marked to show changes therein, is attached

**Resolution \_\_\_\_\_**

**CITY OF CLEVELAND CIVIL SERVICE COMMISSION**

WHEREAS, this Civil Service Commission has determined that Rule 6.20 of the Rules of the Civil Service Commission require amendment;

NOW, THEREFORE, BE IT RESOLVED by the Civil Service Commission that the attached amendments to the Rules of the Civil Service Commission of the City of Cleveland, Ohio are adopted in accordance with the authority conferred upon the Civil Service Commission of the City of Cleveland, Ohio, under Section 127 of the Charter of the City of Cleveland;

BE IT FURTHER RESOLVED that all other provision of the Rules of the Civil Service Commission not expressly amended by this Resolution shall remain unchanged and in full force and effect.

Date of publication in City Record: \_\_\_\_\_

Date of public hearing: \_\_\_\_\_

Adopted: \_\_\_\_\_

**6.20 Certification of Eligibles**

No person shall be considered from an eligible list more than seven (7) times by an appointing authority for a classification, except at the request of the appointing authority; provided, however, that no such person shall be certified when to do so operates to prejudice the rights of other eligibles ranking higher on the eligible list. Whenever one or more eligibles that have been certified waive certification or fail to respond to notice of certification, the certification on which their names appear shall be supplemented by an equal number of additional names. No request for certification of eligibles or additional names to supplement existing certifications shall be honored by the Commission after the expiration of such eligible list.

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, MAY 15, 2017**

**9:30 A.M.**

**Calendar No. 17-72:** 6702 Father Caruso Drive (Ward 15)

Richard Dillon and Michael Varvaro, owners, propose to construct a new 4 story frame single family residence with an attached garage in a B1 Two-Family Residential District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 353.01 which states that the Maximum height limit allowed is 35 feet and the appellants are proposing 44 feet and 1 inch.

2. Section 355.04(a) which states that the minimum required lot area is 4800 square feet and the appellants are proposing 2,910 square feet. Maximum Gross Floor area shall not exceed 50% of lot area the appellants are proposing 4,300 square feet.

3. Section 357.08(b)(1) which states that the Required Rear yard is 44 feet, 1 inch and the appellants are proposing 33 feet.

4. 357.09(b)(2)(B) which states that the required Interior side yard is 11'; proposing 5 feet.

5. Section 357.13(c) which states that Air Condenser unit not a permitted Interior Side yard Encroachment.

6. Section 358.04(a) which states that fences in actual front yards and in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open, except that, in an actual side street yard, a fence that is set back at least four (4) feet from the side street property line may be a maximum of six (6) feet in height and may be open or solid the appellants are proposing 5 feet tall solid wall and setback distance is undefined. (Filed April 12, 2017)

**Calendar No. 17-73:** 6704 Father Caruso Drive (Ward 15)

Richard Dillon and Michael Varvaro, owners, propose to construct a new 4 story frame single family residence with an attached garage in a B1 Two-Family Residential District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 353.01 which states that the Maximum height limit allowed is 35 feet and the appellants are proposing 44 feet and 1 inch.

2. Section 355.04(a) which states that the minimum required lot area is 4,800 square feet and the appellants are proposing 2,703. Maximum Gross Floor area shall not exceed 50% of lot area of 1,351 square feet and the appellants are proposing 2,785 square feet.

3. Section 357.08(b)(1) which states that the Required Rear yard is 41 feet and proposing 11 feet.

4. 357.09(b)(2)(B) which states that the required Interior side yard is 11'; proposing 9 feet 10 inches.

5. Section 357.13(c) which states that Air Condenser unit not a permitted Interior Side yard Encroachment.

6. Section 358.04(a) which states that fences in actual front yards and in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open, except that, in an actual side street yard, a fence that is set back at least four (4) feet from the side street property line may be a maximum of six (6) feet in height and may be open or solid the appellants are proposing 5 feet tall solid wall and setback distance is undefined. (Filed April 12, 2017)

**Calendar No. 17-78:** 2209 Professor Avenue (Ward 3)

Two Docs LTD, owner, proposes to erect a 1,900 square foot 3 story townhouse (as part of 4 unit townhouse building) in a C1 General Retail Business District. The owner appeals for relief from the strict application of Section 343.18 of the

Cleveland Codified Ordinances which states that any driveway providing access to a property shall be located so that there would be not less than fifteen (15) feet between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line measured at the curb line. The proposed driveway into the four unit townhouse development is approximately 1 and 1/2 feet from side property line. (Filed March 24, 2017)

**Calendar No. 17-102:** 6410 West Clinton Avenue (Ward 15)

Orlando Irizarry, owner, proposes to build a wood frame garage with a second floor on a 7,141 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application

1. Section 353.05 which states that in Residence Districts an accessory building shall not exceed fifteen (15) feet in height, or the distance from the accessory building to a main building or potential location of a main building on adjoin premises in a Residence District, whichever is less. Proposed garage mean height is 19' - 3".

2. Section 337.23(a)(6)(A) which states that the floor area of a private garage erected as an accessory building shall not exceed six hundred fifty (650) square feet unless the lot area exceeds four thousand eight hundred (4,800) square feet in which the floor area may be increased in the ratio of one (1) square foot for each twelve (12) square feet of additional lot area. Floor area of accessory use permitted is 845 square feet and 1,248 square feet are proposed. (Filed April 5, 2017)

**Calendar No. 17-104:** 18009 Puritas Avenue (Ward 17)

Elena Schilla, Trustee, proposes to store a shipping container on a vacant lot located in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(a)(b) which states that in a Local Retail Business District, uses are permitted as are normally required for the daily local retail use of the residents of the locality only. Storage of metal shipping container for possible future use is not permitted as the primary purpose of a lot in a Local Retail District. First permitted in Semi-Industry per zoning Code Section 345.03(c)(33), and if permitted would require a seven foot opaque high wall or fence screening storage form neighboring properties.

2. Section 357.01(b) which states that a front yard setback equal to 15% of the depth of the lot, per Section 357.04, is required. Storage of shipping container in required front yard is not permitted.

3. Sections 352.08 through 352.12 in a Semi-Industry District storage use would require a 10 foot wide landscaped transition strip providing a least 75% opacity from adjoining residentially zoned property and none are provided. (Filed April 5, 2017)

**Calendar No. 17-106:** 1448 West 54th Street (Ward 15)

Westshore Properties, owner, proposes split the lot and change use

of existing two family residence to a 16' x 40' 3 story single family residence. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 327.02(e) which states that the lot split requires a professional sealed survey and approved and recorded by Engineering and Construction located in room 518.

2. Section 349.04 which states that the required Off-Street parking space is 1 and the appellant is proposing 0.

3. Section 355.04(b) which states that the Minimum Lot Area required is 4,800 square feet and the appellant is proposing 2,520 square feet. This section also states that the minimum required Lot Width is 40' and the appellant is proposing 20'.

4. Section 357.09(b)(2)(A) which states that no building shall be less than 10' from a main building on an adjoining lot and the appellant is proposing 0' and 5 feet 4 inches.

5. Section 357.09(b)(2)(B) which states that the Required Interior Side yards is 8.25' where the appellant is proposing 4' and 0'. The Total of width of both Interior Side Yards shall not be less than 10 feet and the appellant is proposing 4' and 0'. (Filed April 7, 2017)

**Calendar No. 17-107:** 1446 West 54th Street (Ward 15)

Westshore Properties, owner, proposes split the lot and change use of existing two family residence to a 16' x 40' 3 story single family residence. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 327.02(e) which states that the lot split requires a professional sealed survey and approved and recorded by Engineering and Construction located in room 518.

2. Section 349.04 which states that the required Off-Street parking space is 1 and the appellant is proposing 0.

3. Section 355.04(b) which states that the Minimum Lot Area required is 4,800 square feet and the appellant is proposing 2,520 square feet. This section also states that the minimum required Lot Width is 40' and the appellant is proposing 20'.

4. Section 357.09(b)(2)(A) which states that no building shall be less than 10' from a main building on an adjoining lot and the appellant is proposing 0' and 5 feet 4 inches.

5. Section 357.09(b)(2)(B) which states that the Required Interior Side yards is 8.25' where the appellant is proposing 4' and 0'. The Total of width of both Interior Side Yards shall not be less than 10 feet and the appellant is proposing 4' and 0'. (Filed April 7, 2017)

**Calendar No. 17-108:** 4835 Broadview Road (Ward 13)

Janna Investment LLC., owner, to change use from a nursing home to a 13 unit apartment building in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(a) which states that one accessory off-street parking space per dwelling unit is required. Nine (9) code compliant spaces are

shown (four proposed are non-compliant due to placement in required setbacks). Three spaces in front half of lot are not permitted per Zoning Code Section 337.023(a), and one proposed space is in required setback on Merl Avenue and not permitted per Zoning Code Section 357.14(a).

2. Sections 352.08 through 352.12 which state that a four foot wide landscaped transition strip where Multi-Family Residential District Abuts One Family District in the rear is required, not provided. Dumpster is not permitted in required landscaped transition strip. Screen barrier along rear property line when parking lot about residential use per Zoning Code Section 349.08. (Filed April 7, 2017)

**Calendar No. 17-124:** 7901 Halle Avenue (Ward 3)

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district. The owner appeals for relief from the following Sections of the Cleveland Codified Ordinances:

1. Section 337.02(f)(3)(A) which states that a school built in a residential district requires approval by the Board of Zoning Appeals.

2. Section 357.13 which states that a Play area is not a permitted front yard encroachment; proposed play areas are within setback area.

3. Section 358.04(a) which states that fences in actual front and side street yards shall not exceed four (4) feet in height; proposed fence is six (6) feet high.

4. Section 358.04(c)(1) which states that only ornamental fencing is permitted in actual front and side street yards in residential districts; proposed fence is chain link. (Filed April 25, 2017)

**Calendar No. 17-125:** 5515 Ira Avenue (Ward 13)

Cleveland Metropolitan School District, owner, proposes to construct a new PreK-8 school in a B1 Two-Family Residential District. The owner appeals for relief from Section 337.03 of the Cleveland Codified Ordinances which states that by reference per 337.02(f)(3), a school is required to be not less than 30' from any adjoining premises in residence district not used for a similar purpose and subject to BZA approval. (Filed April 25, 2017)

**Calendar No. 17-126:** 11800 Mt. Overlook Avenue (Ward 6)

CMSD, owner, proposes to construct a new 92,725 square foot K-8 school in a B1 Two Family Residential District. The owner appeals for relief from the strict application of 337.02(f)(3)(A) of the Cleveland Codified Ordinances which states that a public school in a Two-Family Residential District shall be 30 feet from adjoining premises, and requires the approval of the Board of zoning appeals after public notice and public hearing to determine if adequate yard space and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board such buildings and uses are appropriately located and designed and will meet a community need without adversely affection the neighborhood. (Filed April 26, 2017)

**Calendar No. 17-131:** 18400 Schenely Avenue (Ward 8)

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district. The owner appeals for relief from the strict application of Section 337.02(f)(3) of the Cleveland Codified Ordinances which states that a school in Two family District is required to be not less than 30' from any adjoining premises in residence district not used for a similar purpose and subject to BZA approval; proposed school is in Two family District and within 30' of Two family District not use for a similar purpose. (Filed April 27, 2017)

**Calendar No. 17-132:** 3900 East 75th Street (Ward 12)

Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district. The owner appeals for relief from the strict application of Section 337.02(f)(3) of the Cleveland Codified Ordinances which states that a school in Two family District is required to be not less than 30' from any adjoining premises in residence district not used for a similar purpose and subject to BZA approval; proposed school is in Two family District and within 30' of Two family District not use for a similar purpose. (Filed April 27, 2017)

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, MAY 1, 2017**

At the meeting of the Board of Zoning Appeals on Monday, May 1, 2017 the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED:**

**Calendar No. 17-20:** 1539 West 117 Street

Upstairs Property, owner, proposes to add an outdoor patio, fence and trash enclosure to an existing non-conforming bar in a C2 Local Retail Business District and a Pedestrian Retail Overlay District.

**Calendar No. 17-42:** 11905 Mayfield Road

Perotti Co. LLC., owner, proposes to erect a 6 story 45 unit apartment building with 16 accessory parking spaces in a B2 Semi-Industry District.

**Calendar No. 17-76:** 4022 West 140th Street

Stacy Arafat, owner, proposes to install a 6' - 0" high, solid vinyl, fence in an A1 One Family Residential District.

**Calendar No. 17-77:** 1871 West 47th Street

Christopher Loeser, owner, proposes to install a condenser within the side yard in a B1 Two Family Residential District.

**Calendar No. 17-105:** 6727 Fleet Avenue

Bonnie Albrecht, owner, proposes to erect a 22' x 24' frame gable



accessory garage with a second floor for personal storage in a B1 Two-Family Residential District.

The following appeals were **DENIED:**

None.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

**Calendar No. 16-283:** Strongsville Investments  
4115 Howlett Avenue.

**Calendar No. 17-58:** Desmond Johnson  
9402 Rosewood Avenue.

**Calendar No. 17-74:** Christina Snell  
1872-1874 West 41st Street.

The following cases were **POSTPONED:**

None.

The following cases were heard by the Board of Zoning Appeals on Monday, April 24, 2017 and the decisions were adopted and approved on Monday, May 1, 2017:

The following appeals were **APPROVED:**

**Calendar No. 17-62:** 1967 West 48th Street  
B.R. Knez, owner, proposes to erect a 16' x 55' two story frame single family residence with detached 20' x 20' 1 story frame garage in B1 Two-Family Residential District.

**Calendar No. 17-69:** 1428 West 57th Street  
B.R. Knez, owner, proposes to erect a new 2 story 1,700 square feet single family house in a B1 Two-Family Residential.

**Calendar No. 17-70:** 10500 Cedar Avenue  
Cleveland Clinic, owner, proposes to erect the core and shell of a new two-story building with a parking lot in a C1 Multi-Family Residential, a C2 General Retail Business District and a D3 Semi-Industry District.

**Calendar No. 17-71:** 1104 East 169th Street  
Cuyahoga County Land Bank, owner, proposes to erect a 10' x 20' aluminum commercial container, 8 feet tall, used as permanent personal storage in a B1 Two-Family Residential District.

Secretary

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing By the Council Committee On Development, Planning and Sustainability**

**Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Tuesday, May 16, 2017 9:30 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Tuesday, May 16, 2017, at 9:30 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 236-17.**

By Council Member Kazy.  
An ordinance establishing an Urban Form Overlay District and designating an Urban Frontage Line along Lorain Ave. between West 136th Street and West 143rd Street and as shaded on the attached map (Map Change No. 2550).

**Ord. No. 278-17.**

By Council Member McCormack.  
An ordinance changing the Area District of lands situated along the east side of Walworth Avenue, north of Junction Road, south of I-90 from an RA2 District to an RA3 District as identified on the attached map (Map Change No. 2558).

**Ord. No. 366-17.**

By Council Member Cummins.  
An ordinance changing the Use, Area and Height District of parcels along Meyer Avenue between West 25th Street and West 30th Street and as identified on the attached map (Map Change No. 2555).

**Ord. No. 441-17.**

By Council Member Zone.  
An ordinance changing the Use, Area, and Height Districts along Lorain Avenue between West 50th Street and West 65th Street and replacing the PRO District with an Urban Form Overlay District along Lorain between West 50th Street and West 61st Street on the north and south sides of the street as shown on the attached map (Map Change No. 2553).

Anthony Brancatelli, Chair  
Committee on Development, Planning and Sustainability

May 3, 2017 and May 10, 2017

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**FRIDAY, MAY 19, 2017**

**File No. 56-17 — Labor and Material for Building Cleaning and Maintenance Services at the West Side Market (Re-Bid)**, for the Division of The West Side Market, Department of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, MAY 5, 2017 AT 2:00 P.M. THE WEST SIDE MARKET, 1979 WEST 25TH STREET, 2ND FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44113.**

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

April 26, 2017 and May 3, 2017

**THURSDAY, MAY 25, 2017**

**File No. 62-17 — Division of Fire Exercise Equipment - Treadmills**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1023-16, passed by the Council of the City of Cleveland, October 10, 2016.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, MAY 16, 2017 AT 11:30 A.M. CLEVELAND CITY HALL, DIVISION OF FINANCIAL**

REPORTING AND CONTROL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

**File No. 63-17 — Various Bulk Copy Paper and Envelopes**, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 357-17, passed by the Council of the City of Cleveland, April 10, 2017.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, MAY 16, 2017 AT 11:00 A.M. THE DIVISION OF PRINTING AND REPRODUCTION, 1735 LAKESIDE AVENUE EAST, CLEVELAND, OHIO 44114.

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

May 3, 2017 and May 10, 2017

**WEDNESDAY, MAY 31, 2017**

**File No. 58-17 — Sewer Maintenance Appurtenance - Slabs**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 11, 2017 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

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

**File No. 59-17 — Sewer Test Tee Inspection, Installation and Snaking**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 541.13 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 11, 2017 AT 10:30 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

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

**File No. 60-17 — Disposal of Debris at Landfills**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 250-17, passed by the Council of the City of Cleveland, April 3, 2017.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 11, 2017 AT 11:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

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

**File No. 61-17 — Laboratory Services for Protozoa and Biological Analysis**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, MAY 12, 2017 AT 9:30 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

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

May 3, 2017 and May 10, 2017

**THURSDAY, JUNE 8, 2017**

**File No. 57-17 — Renovations to 1300 Lakeside Avenue**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1276-16, passed by the Council of the City of Cleveland, November 28, 2016.

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, WEDNESDAY, MAY 17, 2017 AT 10:30 A.M. CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CENTENNIAL ROOM, CLEVELAND, OHIO 44114.

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

May 3, 2017 and May 10, 2017

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 463-17.**

**By Council Member Mitchell.**

**An emergency resolution objecting to a New D5J Liquor Permit at 11460 Uptown Avenue and patio.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New D5J Liquor Permit at 11460 Uptown Operating Company, LLC, 11460 Uptown Avenue and patio, Cleveland, Ohio 44106, Permit Number 6548334; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New D5J Liquor Permit at 11460 Uptown Operating Company, LLC, 11460 Uptown Avenue and patio, Cleveland, Ohio 44106, Permit Number 6548334; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

and after the earliest period allowed by law.

Adopted April 24, 2017.  
Effective April 25, 2017.

**Res. No. 464-17.**

**By Council Member Cleveland.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 5611 Woodland Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at R Town Grocery, Inc., DBA R Town Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permit Number 7148229; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at R Town Grocery, Inc., DBA R Town Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permit Number 7148229; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

Adopted April 24, 2017.  
Effective April 25, 2017.

**Res. No. 465-17.**

**By Council Member Kazy.**  
**An emergency resolution objecting to the transfer of stock of a C1 and C2 Liquor Permit to 4051 West 140th Street.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a transfer of stock of a C1 and C2 Liquor Permit at Shree Hari Convenient, LLC, 4051 West 140th Street, Cleveland, Ohio 44135, Permit Number 8112875; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a transfer of stock of a C1 and C2 Liquor Permit at Shree Hari Convenient, LLC, 4051 West 140th Street, Cleveland, Ohio 44135, Permit Number 8112875, and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted April 24, 2017.  
Effective April 25, 2017.

**Res. No. 466-17.**

**By Council Member Cleveland.**  
**An emergency resolution objecting to the transfer of location of a C1 and C2 Liquor Permit to 2165-2167 East 55th Street.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a C1 and C2 Liquor Permit from 130th Valero, Inc., 3935 West 130th Street, Cleveland, Ohio 44111, Permit Number 6548436 to Cedar Gas, Inc., 2165-2167 East 55th Street, Cleveland, Ohio 44103, Permit Number 1350295; 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 location of a C1 and C2 Liquor Permit from 130th Valero, Inc., 3935 West 130th Street, Cleveland, Ohio 44111, Permit Number 6548436 to Cedar Gas, Inc., 2165-2167 East 55th Street, Cleveland, Ohio 44103, Permit Number 1350295; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.



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

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

Adopted April 24, 2017.  
Effective April 25, 2017.

**Res. No. 467-17.**  
**By Council Member Reed.**  
**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3750 Martin Luther King, Jr. Boulevard, 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 C1 and C2 Liquor Permit from Savmor 116 Deli, Inc., 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permit Number 77601640005 to 3750 Savmor, Inc., 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permit Number 8915150; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Savmor 116 Deli, Inc., 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permit Number 77601640005 to 3750 Savmor, Inc., 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permit Number 8915150; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 24, 2017.  
Effective April 25, 2017.

**Res. No. 468-17.**  
**By Council Member McCormack.**  
**An emergency resolution withdrawing objection to the transfer of location of a C2 Liquor Permit at 3153 West 73rd Street and repealing Resolution No. 31-17, objecting to said transfer.**

Whereas, this Council objected to the transfer of location of a C2 Liquor Permit to Fiar, Inc., 3153 West 73rd Street, Cleveland, Ohio 44102, Permit No. 2705361 by Resolution No. 31-17 adopted by the Council on January 9, 2017; and

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

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

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

**Section 1.** That objection to the transfer of location of a C2 Liquor Permit to Fiar, Inc., 3153 West 73rd Street, Cleveland, Ohio 44102, Permit No. 2705361, be and the same is hereby withdrawn and Resolution No. 31-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 24, 2017.  
Effective April 25, 2017.

**Res. No. 471-17.**

**By Council Member Dow.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit at 5000-22 Euclid Avenue, Suite 103, 1st floor, basement and balcony and repealing Resolution No. 222-17 objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a D5 and D6 Liquor Permit to Agoraco, LLC, DBA Agora Theatre, 5000-22 Euclid Avenue, Suite 103, 1st floor, basement and balcony, Cleveland, Ohio 44103, Permit Number 0075888 by Resolution No. 222-17 adopted by the Council on February 27, 2017; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a D5 and D6 Liquor Permit to Agoraco, LLC, DBA Agora Theatre, 5000-22 Euclid Avenue, Suite 103, 1st floor, basement and balcony, Cleveland, Ohio 44103, Permit Number 0075888 be and the same is hereby withdrawn and Resolution No. 222-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 1277-15.**

**By Council Member Kelley.**

**An emergency ordinance to repeal Section 411.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91-96, passed March 18, 1996, and to supplement the codified ordinances by enacting new Section 411.01, relating to placing injurious material or obstruction in street.**

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 411.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended Ordinance No. 91-96, passed March 18, 1996, is repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Section 411.01 to read as follows:

**Section 411.01 Placing Injurious Material or Obstruction in Street**

(a) (1) No person shall place or knowingly drop upon any part of a highway, lane, road, street or alley any tacks, bottles, wire, glass, nails

or other articles which may damage or injure any person, vehicle or animal traveling along or upon the highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(2) Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same.

(3) Any person authorized to remove a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

(4) No person shall place any obstruction in or upon a highway without proper authority.

(b) No person, with intent to cause physical harm to a person or a vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon the highway, except substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(c) (1) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (a) is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (b) of this section is guilty of a misdemeanor of the first degree. (RC 4511.74)

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

Passed April 24, 2017.

Effective April 25, 2017.

**Ord. No. 1279-15.**

**By Council Member Kelley.**

**An emergency ordinance to repeal various sections of Chapters 431 and 433 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by various ordinances; and to supplement the codified ordinances by enacting new Sections 431.01, 431.02, 431.03, 431.04, 431.05, 431.06, 431.07, 431.08, 431.09, 431.10, 431.12, 431.13, 431.14, 431.15, 431.16, 431.17, 431.18, 431.19, 431.21, 431.22, 431.23, 431.24, 431.27, 431.31, 431.35, 431.37, 431.38, 431.39, 431.40, 431.45, 433.02, 433.03, 433.04, 433.05, and 433.07; relating to vehicle operation generally, reckless operation and speed.**

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

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

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

Sections 431.01 and 431.02, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 431.03, as amended by Ordinance No. 518-13, passed May 20, 2013, Sections 431.04, 431.05, 431.06 and 431.07, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 431.08, as amended by Ordinance No. 672-12, passed June 4, 2012,

Section 431.09, as amended by Ordinance No. 91-96, passed March 18, 1996, Section 431.10, as amended by Ordinance No. 672-12, passed June 4, 2012,

Section 431.12, as amended by Ordinance No. 91-96, passed March 18, 1996, Sections 431.13, 431.14, 431.15 and 431.16, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 431.17, as amended by Ordinance No. 1459-78, passed November 22, 1978,

Sections 431.18, 431.19, 431.21, 431.22, 431.23, 431.24, 431.27, and 431.31, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 431.35, as amended by Ordinance No. 755-A-86, passed October 27, 1986,

Sections 431.37, 431.38, and 431.39, as amended by Ordinance No. 835-03, passed June 10, 2003, and

Section 431.40, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Sections 433.02, 433.03, and 433.04, as amended by Ordinance No. 91-96, passed March 18, 1996,

Section 433.05, as amended by Ordinance No. 1684-76, passed June 29, 1976, and

Section 433.07, as amended by Ordinance No. 91-96, passed March 18, 1996 are repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 431.01, 431.02, 431.03, 431.04, 431.05, 431.06, 431.07, 431.08, 431.09, 431.10, 431.12, 431.13, 431.14, 431.15, 431.16, 431.17, 431.18, 431.19, 431.21, 431.22, 431.23, 431.24, 431.27, 431.31, 431.35, 431.37, 431.38, 431.39, 431.40, 431.45, 433.02, 433.03, 433.04, 433.05, and 433.07 to read as follows:

**Section 431.01 Driving upon Right Side of Roadway; Exceptions**

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing those movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(3) When driving upon a roadway divided into three (3) or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one (1) way traffic;

(5) When otherwise directed by a police officer or traffic control device.

(b) (1) Upon all roadways any vehicle or trackless trolley proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if the passing is safe and reasonable, except under any of the following circumstances:

A. When overtaking and passing another vehicle proceeding in the same direction;

B. When preparing for a left turn;

C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.

(2) Nothing in division (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(c) Upon any roadway having four (4) or more lanes for moving traffic and providing for two (2) way movement of traffic, no vehicle or trackless trolley shall be driven to the left of the centerline of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (a)(2) of this section. This division shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway. (RC 4511.25)

**Section 431.02 Passing to Right When Proceeding in Opposite Directions**

Operators of vehicles and trackless trolleys proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible. (RC 4511.26)

**Section 431.03 Overtaking and Passing of Vehicles Proceeding in the Same Direction**

(a) The following rules govern the overtaking and passing of vehicles or trackless trolleys proceeding in the same direction:

(1) The operator of a vehicle or trackless trolley overtaking another vehicle proceeding in the same direction shall, except as provided in division (a)(3) of this section, signal to the vehicle or trackless trolley to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle or trackless trolley. When a motor vehicle or trackless trolley overtakes and passes a bicycle, three feet or greater is considered a safe passing distance.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle or trackless trolley overtaking and passing another vehicle or trackless trolley proceeding in the same direction

on a divided highway as defined in Section 431.31, a limited access highway as defined in RC 5511.02 or a highway with four (4) or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.  
(RC 4511.27)

(b) The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall leave a safe distance, but not less than three (3) feet, when passing the bicycle and shall maintain that distance, and shall not increase the speed of his or her vehicle, until safely past the overtaken bicycle. The same requirements shall apply to the operator of a commercial motor vehicle, commercial truck, commercial unit, or bus, except that the safe distance shall not be less than six (6) feet. However, in the case of a bus operated by a transit authority that has implemented a training program that promotes safe bus operation while overtaking a bicycle, that safe distance shall be not less than three (3) feet.

(c) The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall vacate the lane in which the bicycle user is located if the roadway has two (2) or more marked lanes running in the same direction.

**Section 431.04 Overtaking and Passing upon Right of Another Vehicle**

(a) The driver of a vehicle or trackless trolley may overtake and pass upon the right of another vehicle or trackless trolley only under the following conditions:

(1) When the vehicle or trackless trolley overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle or trackless trolley may overtake and pass another vehicle or trackless trolley only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway.  
(RC 4511.28)

**Section 431.05 Overtaking, Passing to Left of Center**

No vehicle or trackless trolley shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle or trackless trolley must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before coming within two hundred (200) feet of any approaching vehicle.  
(RC 4511.29)

**Section 431.06 Additional Restrictions on Driving upon Left Side of Roadway**

(a) No vehicle or trackless trolley shall be driven upon the left side of

the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(2) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel;

(3) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.

(b) This section does not apply to vehicles or trackless trolleys upon a one (1) way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in RC 4511.25(A)(2) or a substantially equivalent municipal ordinance.  
(RC 4511.30)

**Section 431.07 Hazardous or No Passing Zones**

(a) Hazardous zones, commonly called "no passing zones," shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel and to the right of the normal center line or marked lane line, no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal center line or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone.

(b) The department of transportation may determine those portions of any state highway where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous and may, by appropriate signs or markings on the highway, indicate the beginning and end of such zones. When signs or markings are in place and clearly visible, every operator of a vehicle or trackless trolley shall obey the directions of the signs or markings, notwithstanding the distances set out in RC 4511.30 and in Section 431.06.

(c) Divisions (a) and (b) of this section do not apply when all of the following apply:

(1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.

(2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.

(3) There is sufficient clear sight distance to the left of the center or centerline of the roadway to meet the overtaking and passing provisions of

Section 431.05 and RC 4511.29, considering the speed of the slower vehicle.  
(RC 4511.31)

**Section 431.08 Driving in Marked Lanes or Continuous Lines of Traffic**

(a) Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic or wherever within the municipality traffic is lawfully moving in two (2) or more substantially continuous lines in the same direction, the following rules apply:

(1) A vehicle or trackless trolley shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three (3) lanes and provides for two (2) way movement of traffic, a vehicle or trackless trolley shall not be driven in the center lane except when overtaking and passing another vehicle or trackless trolley where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle or trackless trolley is proceeding and is posted with signs to give notice of such allocation.

(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, or restricting the use of a particular lane to only buses during certain hours or during all hours, and drivers of vehicles or trackless trolleys shall obey the directions of such signs.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles or trackless trolleys shall obey the directions of every such device.  
(RC 4511.33)

(b) Except for the operator of a bus entering or exiting an authorized bus stop, the driver of a motor vehicle shall not drive, upon any on-street path, lane, trail or multi-purpose lane designated by official signs or markings for the exclusive use of bicycles or other non-motorized transportation or otherwise drive or place the vehicle in such a manner as to impede bicycle traffic on such path, lane, trail, or multi-purpose lane unless entering or exiting a legal parking space, alley, private road, driveway, or preparing to make a turn.

**Section 431.09 Space Between Moving Vehicles**

(a) The operator of a motor vehicle, streetcar, or trackless trolley shall not follow another vehicle, streetcar, or trackless trolley more closely than is reasonable and prudent, having due regard for the speed of such vehicle, streetcar, or trackless trolley, and the traffic upon and the condition of the highway.

(b) The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such



space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

(c) Outside a municipal corporation, the driver of any truck, or motor vehicle when drawing another vehicle, while ascending to the crest of a grade beyond which the driver's view of a roadway is obstructed, shall not follow within three hundred feet of another truck, or motor vehicle drawing another vehicle. This paragraph shall not apply to any lane specially designated for use by trucks.

(d) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions.  
(RC 4511.34)

**Section 431.10 Turning at Intersections**

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(b) The operator of a trackless trolley shall comply with divisions (a)(1), (2), and (3) of this section wherever practicable.

(c) The Ohio Department of Transportation and the city may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles, streetcars, or trackless trolleys, turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle, streetcar, or trackless trolley, shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(d) The operator of a vehicle within an intersection intending to turn to the left shall yield the right of way to

any vehicle or bicycle approaching from the opposite direction.  
(RC 4511.36)

**Section 431.12 "U" Turns Restricted**

(a) Except as provided in RC 4511.13 and division (b) of this section, no vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if such vehicle cannot be seen within five hundred (500) feet by the driver of any other vehicle approaching from either direction.

(b) The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This division applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one (1) flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle, or bell. This division does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) Except as provided in division (b) of this section, no vehicle shall be turned so as to proceed in the opposite direction within an intersection, or upon any street in a business district, or upon a freeway, expressway or controlled-access highway, or where authorized signs are erected to prohibit such movement, or at any other location unless such movement can be made with reasonable safety to other users of the street and without interfering with the safe operation of any traffic that may be affected by such movement.  
(RC 4511.37)

**Section 431.13 Starting and Backing Vehicles**

(a) (1) No person shall start a vehicle, streetcar, or trackless trolley which is stopped, standing or parked until the movement can be made with reasonable safety.

(2) Before backing, operators of vehicles, streetcars, or trackless trolleys shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

(3) No person shall back a motor vehicle on a freeway, except:

- A. In a rest area;
- B. In the performance of public works or official duties;
- C. As a result of an emergency caused by an accident or breakdown of a motor vehicle.

(RC 4511.38)

**Section 431.14 Signals Before Changing Course, Turning or Stopping**

(a) (1) No person shall turn a vehicle or trackless trolley or move right or left upon a highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety, nor without giving an appropriate signal in the manner hereinafter provided.

(2) When required, a signal of intention to turn or move right or left

shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle or trackless trolley before turning except that in the case of a person operating a bicycle, the signal shall be made not less than one (1) time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle.

(3) No person shall stop or suddenly decrease the speed of a vehicle or trackless trolley without first giving an appropriate signal in the manner provided herein to the driver of any vehicle or trackless trolley immediately to the rear when there is opportunity to give a signal.

(4) Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic the intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet, whether a single vehicle or a combination of vehicles.

(5) The signal lights required by this section shall not be flashed on one (1) side only on a disabled vehicle or trackless trolley, flashed as a courtesy or "do pass" signal to operators of other vehicles or trackless trolleys approaching from the rear, nor be flashed on one (1) side only of a parked vehicle or trackless trolley except as may be necessary for compliance with this section.  
(RC 4511.39)

**Section 431.15 Hand and Arm Signals**

(a) Except as provided in division (b) of this section, all signals required by this Traffic Code and RC 4511.01 to 4511.78, when given by hand and arm, shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (1) Left turn, hand and arm extended horizontally;
- (2) Right turn, hand and arm extended upward;
- (3) Stop or decrease speed, hand and arm extended downward.

(b) As an alternative to division (a)(2) of this section, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.  
(RC 4511.40)

**Section 431.16 Right-of-Way at Intersections**

(a) When two vehicles, including any trackless trolley or streetcar, approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in division (a) of this section is modified at through highways and otherwise as stated in this Traffic Code and RC Chapter 4511. (RC 4511.41)

**Section 431.17 Right-of-Way When Turning Left**

The operator of a vehicle, streetcar, or trackless trolley intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle, streetcar, or trackless trolley approaching from the opposite direction, whenever the approaching vehicle, streetcar, or trackless trolley is within the intersection or so close to the intersection, alley, private road, or driveway as to constitute an immediate hazard. (RC 4511.42)

**Section 431.18 Operation of Vehicle at Yield Signs**

The driver of a vehicle or trackless trolley approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle or trackless trolley in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle or trackless trolley in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right-of-way. (RC 4511.43(B))

**Section 431.19 Operation of Vehicles at Stop Signs**

Except when directed to proceed by a law enforcement officer, every driver of a vehicle or trackless trolley approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. (RC 4511.43(A))

**Section 431.21 Right-of-Way of Public Safety or Coroner's Vehicle**

(a) (1) Upon the approach of a public safety vehicle or coroner's vehicle, equipped with at least one (1) flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle and the driver is giving an audible signal by siren, exhaust whistle, or bell, no driver of any other vehicle

shall fail to yield the right-of-way, immediately drive, if practical, to a position parallel to, and as close as possible to, the right edge or curb of the highway clear of any intersection, and stop and remain in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(2) Upon the approach of a public safety vehicle or coroner's vehicle, as stated in division (a) (1) of this section, no operator of any streetcar or trackless trolley shall fail to immediately stop the streetcar or trackless trolley clear of any intersection and keep it in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(b) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the street.

(c) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with RC 4511.171, or a substantially equivalent municipal ordinance. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing, oscillating or rotating red or blue light and a siren, exhaust whistle or bell capable of giving an audible signal. (RC 4511.45)

**Section 431.22 Right-of-way at Highway From any Place Other Than Another Roadway; Duty to Yield**

The operator of a vehicle, streetcar, or trackless trolley about to enter or cross a highway from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed. (RC 4511.44)

**Section 431.23 Driving onto Roadway from Place Other than Roadway; Stopping at Sidewalk**

The driver of a vehicle or trackless trolley emerging from an alley, building, private road, or driveway within a business or residence district shall stop the vehicle or trackless trolley immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon. (RC 4511.431)

**Section 431.24 Right-of-Way of Funeral Procession**

(a) As used in this section, "funeral procession" means two (2) or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with RC 4511.45 or a substantially equivalent municipal ordinance, or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right-of-way to each vehicle that is a part of a

funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection, notwithstanding any traffic-control devices or right-of-way provisions of the Revised Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

(c) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction. (RC 4511.451)

**Section 431.27 Following and Parking Near Emergency or Safety Vehicles**

The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than five hundred (500) feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter. (RC 4511.72)

**Section 431.31 Driving upon Divided Roadways**

Whenever any street has been divided into two (2) roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or section for the purpose of an emergency stop or in compliance with an order of a police officer. (RC 4511.35)

**Section 431.35 Occupying a Moving Trailer or Manufactured Home**

No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway. (RC 4511.701)

**Section 431.37 Driving upon Sidewalks, Street Lawns or Curbs**

(a) (1) No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway or without first obtaining a permit from the Director of Public Service.

(2) Nothing in this section shall be construed as prohibiting local authorities from regulating the operation of bicycles, except that no local authority may require that bicycles be operated on sidewalks.

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized. (RC 4511.711)

**Section 431.38 Stopping for School Bus; Discharging Children**

(a) The driver of a vehicle, street-car, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten (10) feet from the front or rear of the school bus and shall not proceed until the school bus resumes motion, or until signaled by the school bus driver to proceed. It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (b) of this section.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of RC 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever, but only whenever, the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c) Where a highway has been divided into four (4) or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (a) above.

(d) School buses operating on divided highways or on highways with four (4) or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency

who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(f) (1) Whoever violates division (a) of this section may be fined an amount not to exceed five hundred dollars (\$500.00). A person who is issued a citation for a violation of division (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2) In addition to and independent of any other penalty provided by law, the court may impose upon an offender who violates this section a class seven (7) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in RC 4510.02(A)(7). When a license is suspended under this section, the court shall cause the offender to deliver the license to the court, and the court or Clerk of the Court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action.

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

(1) "Head start agency" has the same meaning as in RC 3301.32.

(2) "School bus" means, as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in RC 4511.77, and is equipped with amber and red visual signals meeting the requirements of RC 4511.77, irrespective of whether or not the bus has fifteen (15) or more children aboard at any time. The term does not include a van owned and operated by a head start agency, irrespective of its color, lights or markings.  
(RC 4511.75)

**Section 431.39 Driving Across Grade Crossing**

(a) (1) Whenever any person driving a vehicle or trackless trolley approaches a railroad grade crossing, the person shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:

A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.

B. A crossing gate is lowered.

C. A flagperson gives or continues to give a signal of the approach or passage of a train.

D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing the passage of other vehicles, trackless trolleys, pedestrians or railroad trains, notwithstanding any traffic-control signal indication to proceed.

E. An approaching train is emitting an audible signal or is plainly visible, and is in hazardous proximity to the crossing.

F. There is insufficient undercarriage clearance to safely negotiate the crossing.

(2) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (a)(1)A. through (a)(1)F. of this section exist at the crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed, or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(RC 4511.62)

**Section 431.40 Stopping at Grade Crossing**

(a) (1) Except as provided in division (a)(2) of this section, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 C.F.R. Parts 100 to 185, before crossing at grade any track of a railroad, shall stop the vehicle, and while so stopped, shall listen through an open door or open window, and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing, and shall not shift gears while crossing the tracks.

(2) Division (a) of this section does not apply at grade crossings when any local authority has filed an application with the Public Utilities Commission requesting the approval of an exempt crossing, and the Public Utilities Commission has authorized and approved an exempt crossing as provided in RC 4511.63(B).

(3) As used in division (a) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Bus" means any vehicle originally designed by its manufacturer to transport sixteen (16) or more passengers, including the driver, or carries sixteen (16) or more passengers, including the driver.

B. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under RC 4511.63(B) at which vehicles may cross without making the stop otherwise required by this section.

C. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or non-public school.

(4) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one (1) or more violations of division (a) of this section or RC 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially equivalent to any of those



sections, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree. (RC 4511.63)

(b) (1) As used in this section, "active grade crossing warning device" has the same meaning as in RC 5733.43.

(2) The Ohio Department of Transportation and local authorities, with the approval of the Department, may designate dangerous highway crossings over railroad tracks and erect stop signs thereat.

(3) A. The Department and local authorities shall erect stop signs at a railroad highway grade crossing in either of the following circumstances:

1. New warning devices that are not active grade crossing warning devices are being installed at the grade crossing, and railroad crossbucks were the only warning devices at the grade crossing prior to the installation of the new warning devices.

2. The grade crossing is constructed after July 1, 2013 and only warning devices that are not active grade crossing warning devices are installed at the grade crossing.

B. Division (b)(3)A. of this section does not apply to a railroad highway grade crossing that the Ohio Director of Transportation has exempted from that division because of traffic flow or other considerations or factors.

(4) When stop signs are erected pursuant to division (b)(2) or (b)(3) of this section, the operator of any vehicle shall stop within fifty (50), but not less than fifteen (15), feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(5) Except as otherwise provided in this division, whoever violates division (b)(4) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (RC 4511.61)

#### **Section 431.45 Operation of Low-Speed Vehicle**

No person shall operate a low-speed vehicle upon any street or highway having an established speed limit greater than thirty-five miles per hour.

#### **Section 433.02 Operation in Willful or Wanton Disregard of Safety**

(a) No person shall operate a vehicle, trackless trolley or streetcar on any street or highway in willful or wanton disregard of the safety of persons or property.

(b) (1) No person shall operate a vehicle, trackless trolley or streetcar on any public or private property other than streets or highways in willful or wanton disregard of the safety of persons or property.

(2) Division (b)(1) of this section does not apply to the competitive operation of vehicles on public or private property when the owner of the property knowingly permits such operation thereon.

(c) Except as otherwise provided in this division, whoever violates any provision of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates any provision of this section is guilty of a misdemeanor of the third degree. (RC 4511.20, 4511.201)

#### **Section 433.03 Maximum Speed Limits; Assured Clear Distance Ahead**

(a) No person shall operate a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard for the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit him or her to bring it to a stop within the assured clear distance ahead.

(b) It is prima facie lawful, in the absence of a lower limit declared or established pursuant to this section by the Ohio Director of Transportation or local authorities, for the operator of a motor vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(1) A. Twenty (20) miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty (20) miles per hour school speed limit signs are erected, except that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (b)(4) of this section, and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (b)(9) and (b)(10) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the Manual and Specifications for a Uniform System of Traffic-Control Devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means any school chartered under RC 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with O.A.C. 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone. "School" also includes a special elementary school that in writing requests the County Engineer to create a school zone at the location of the school. Upon receipt of the written request, the County Engineer shall create a school zone at that location by erecting appropriate signs.

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the Ohio Director of Transportation or a request from a County Engineer in the case of a school zone for a special elementary school, the Director may extend the traditional school zone boundaries. The distances in divisions (b)(1)C.1. through (b)(1)C.3. below shall not exceed three hundred (300) feet per approach per direction, and are bounded by whichever of the following distances or combination thereof the Director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred (300) feet on each approach direction;

2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred (300) feet on each approach direction;

3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred (300) feet on each approach direction of the highway.

D. Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (b)(1)A. and (b)(1)C. of this section.

E. As used in this division, "crosswalk" has the meaning given that term in RC 4511.01(LL)(2).

F. The Director may, upon request by resolution of the legislative authority and upon submission by the municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a state route lying within the municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of a crosswalk is no more than one thousand three hundred twenty (1,320) feet. Such a school zone shall include the distance encompassed by the crosswalk and extending three hundred (300) feet in each appropriate direction of the state route.

G. As used in this section, "special elementary school" means a school that meets all of the following:

1. It is not chartered and does not receive tax revenue from any source.

2. It does not educate children beyond the eighth grade.

3. It is located outside the limits of a municipal corporation.

4. A majority of the total number of students enrolled at the school are not related by blood.

5. The principal or other person in charge of the special elementary

school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.

(2) Twenty-five (25) miles per hour in all other portions of the municipality, except on state routes outside business districts, through highways outside business districts and alleys;

(3) Thirty-five (35) miles per hour on all state routes or through highways within the municipality outside business districts, except as provided in divisions (b)(4) and (b)(6) of this section;

(4) Fifty (50) miles per hour on controlled-access highways and expressways within the municipality;

(5) Fifty-five (55) miles per hour on highways outside the municipality, other than highways within island jurisdictions as provided in division (b)(8) of this section, highways as provided in division (b)(9) of this section, and highways, expressways and freeways as provided in divisions (b)(12), (b)(13), (b)(14) and (b)(16) of this section;

(6) Fifty (50) miles per hour on state routes within the municipality outside urban districts unless a lower prima facie speed is established as further provided in this section;

(7) Fifteen (15) miles per hour on all alleys within the municipality;

(8) Thirty-five (35) miles per hour on highways outside the municipality that are within an island jurisdiction;

(9) Sixty (60) miles per hour on two (2) lane state routes outside municipal corporations as established by the Director under RC 4511.21(H)(2);

(10) Fifty-five (55) miles per hour at all times on freeways with paved shoulders inside the municipality, other than freeways as provided in divisions (b)(14) and (b)(16) of this section;

(11) Fifty-five (55) miles per hour at all times on freeways outside the municipality, other than freeways as provided in divisions (b)(14) and (b)(16) of this section;

(12) Sixty (60) miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;

(13) Sixty-five (65) miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;

(14) Seventy (70) miles per hour for operators of any motor vehicle at all times on all rural freeways;

(15) Fifty-five (55) miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the Director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;

(16) Sixty-five (65) miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the Director and that are part of the interstate system and are part of an interstate freeway outerbelt.

(c) It is prima facie unlawful for any person to exceed any of the speed limitations in divisions (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) and (b)(8) of this section or any declared or established pursuant to

this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (d) of this section. No person shall be convicted of more than one (1) violation of this section for the same conduct, although violations of more than one (1) provision of this section may be charged in the alternative in a single affidavit.

(d) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:

(1) At a speed exceeding fifty-five (55) miles per hour, except upon a two (2) lane state route as provided in division (b)(9) of this section and upon a highway, expressway or freeway as provided in divisions (b)(12), (b)(13), (b)(14) and (b)(16) of this section;

(2) At a speed exceeding sixty (60) miles per hour upon a two (2) lane state route as provided in division (b)(9) of this section and upon a highway as provided in division (b)(12) of this section;

(3) At a speed exceeding sixty-five (65) miles per hour upon an expressway as provided in division (b)(13) of this section or upon a freeway as provided in division (b)(16) of this section, except upon a freeway as provided in division (b)(14) of this section;

(4) At a speed exceeding seventy (70) miles per hour upon a freeway as provided in division (b)(14) of this section;

(5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to RC 4511.21(I)(2) or (L)(2).

(e) Pursuant to RC 4511.21(E), in every charge of violating this section, the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (c) of this section also the speed which division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of, or a limit declared or established pursuant to, this section or RC 4511.21 declares is prima facie lawful at the time and place of the alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to stop within the assured clear distance ahead, the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) Pursuant to RC 4511.21(F), when a speed in excess of both a prima facie limitation and a limitation in division (d) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of this section, or of a limit declared or established pursuant to this section or RC 4511.21 by the Director or local authorities, and of the limitation in division (d) of this section. If the court finds a violation of division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of, or a limit declared or established pursuant to, this section or RC 4511.21 has occurred, it shall enter a judgment of conviction under that division and dismiss the charge under division (d) of this section. If it finds no violation of division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7) or (b)(8) of, or

a limit declared or established pursuant to, this section or RC 4511.21, it shall then consider whether the evidence supports a conviction under division (d) of this section.

(g) Pursuant to RC 4511.21(G), points shall be assessed for a violation of a limitation under division (d) of this section in accordance with RC 4510.036.

(RC 4511.21(A) - (G))

(h) Whenever, in accordance with RC 4511.21(H) through (N), the maximum prima facie speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on those signs. It is prima facie unlawful for any person to exceed the speed limits posted upon the signs.

(i) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Commercial bus" means a motor vehicle designed for carrying more than nine (9) passengers and used for the transportation of persons for compensation.

(2) "Interstate system" has the same meaning as in 23 U.S.C. 101.

(3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.

(5) "Rural" means, outside urbanized areas, as designated in accordance with 23 U.S.C. § 101, and outside of a business or urban district.

(RC 4511.21(O))

(j) Penalty means:

(1) A violation of any provision of this section is one (1) of the following:

A. Except as otherwise provided in divisions (j)(1)B., (j)(1)C., and (j)(2) and (j)(3) of this section, a minor misdemeanor;

B. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to two (2) violations of any provision of this section, RC 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the fourth degree;

C. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to three (3) or more violations of any provision of this section, RC 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the third degree.

(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section, RC 4511.21, or any other municipal ordinance that is substantially equivalent to any provision of that section, and operated a motor vehicle faster than thirty-five (35) miles per hour in a business district of the municipality, or faster than thirty-five (35) miles per hour in a

school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3) Notwithstanding division (j) (1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with RC 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two (2) times the usual amount imposed for the violation. No court shall impose a fine of two (2) times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine. (RC 4511.21(P))

**Section 433.04 Stopping or Slow Speed; Posted Minimum Speeds**

(a) No person shall stop or operate a vehicle trackless trolley, or streetcar at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever the Ohio Director of Transportation or the Council determine on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled-access highway, expressway, or freeway consistently impede the normal and reasonable movement of traffic, the Director or such local authority may declare a minimum speed limit below which no person shall operate a motor vehicle, trackless trolley, or streetcar except when necessary for safe operation or in compliance with law. No minimum speed limit established hereunder shall be less than thirty (30) miles per hour, greater than fifty (50) miles per hour, nor effective until the provisions of RC 4511.21 and Section 433.03, relating to appropriate signs, have been fulfilled and the City has obtained the approval of the Director.

(c) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (RC 4511.22)

(e) (1) It is prima-facie unlawful for the operator of a vehicle to operate such vehicle on any portion of a controlled-access highway at a speed less than thirty-five (35) miles per hour where the speed limit is fifty (50) miles per hour and at a speed less than forty (40) miles per hour where

the speed limit is fifty-five (55) miles per hour.

(2) This limit shall not apply to any operation on a ramp nor to any person while engaged in maintenance or construction work on such highway or to any employee of a public agency while engaged in the performance of his or her official duties.

**Section 433.05 Speed Limitations Over Bridges**

(a) No person shall operate a vehicle, trackless trolley, or streetcar over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed that can be maintained with safety to the bridge or structure, when the structure is posted with signs as provided in this section.

(b) The Ohio Department of Transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety withstand traffic traveling at the speed otherwise permissible under RC 4511.01 to 4511.85 and 4511.98, the Department shall determine and declare the maximum speed of traffic which the structure can withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained at a distance of at least one hundred (100) feet before each end of the structure.

(c) Upon the trial of any person charged with a violation of this section, proof of such determination of the maximum speed by the Department and the existence of the signs shall constitute prima facie evidence of the maximum speed which can be maintained with safety to the bridge or structure. (RC 4511.23)

**Section 433.07 Street Racing and Racing Prohibited**

(a) As used in this section, "street racing" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two (2) or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by RC 4511.21(B)(1)(a) through (B)(8) or a substantially equivalent municipal ordinance, or rapidly accelerating from a common starting point to a speed in excess of the prima facie lawful speeds shall be prima facie evidence of street racing.

(b) No person shall participate in street racing upon any public road, street or highway in this City.

(c) Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privileges for not less than thirty (30) days or more than three (3)

years. No judge shall suspend the first thirty (30) days of any suspension of an offender's license, permit or privilege imposed under this division. (RC 4511.251)

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

Passed April 24, 2017.

Effective April 25, 2017.

**Ord. No. 1280-15.**

**By Council Member Kelley.**

**An emergency ordinance to repeal various sections of Chapter 435 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 435.02, 435.03, 435.05 through 435.09, 435.11 and 435.15; and by amending Sections 435.01, 435.04, 435.16 and 435.17 as amended by various ordinances, relating to licensing and accidents.**

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

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

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

Section 435.02, as amended by Ordinance No. 91-96, passed March 18, 1996,

Section 435.03, as amended by Ordinance No. 835-03, passed June 10, 2003,

Section 435.05, as amended by Ordinance No. 820-90, passed June 14, 1993,

Section 435.06, as amended by Ordinance No. 91-96, passed March 18, 1996,

Section 435.07, as amended by Ordinance No. 835-03, passed June 10, 2003,

Section 435.08 as amended by Ordinance No. 2822-89, passed March 19, 1990,

Section 435.09, as amended by Ordinance No. 91-96, passed March 18, 1996,

Section 435.11, as amended by Ordinance No. 835-03, passed June 10, 2003, and

Section 435.15, as amended by Ordinance No. 835-03, passed June 10, 2003 are repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 435.02, 435.03, 435.05, 435.06, 435.07, 435.08, 435.09, 435.11 and 435.15 to read as follows:

**Section 435.02 Possession of More Than One License Prohibited**

(a) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until the person surrenders to the Registrar all valid licenses issued to the person by another jurisdiction recognized by this state. The Registrar shall report the surrender of a license to the issuing authority, together with information that a license is now issued in this state. The Registrar shall destroy any such license that is not returned to the issuing authority. No person shall be permitted to have more than one (1) valid license at any time.

(RC 4507.02(A)(2))



(b) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(RC 4507.99)

**Section 435.03 Driving with Temporary Instruction Permit Without Licensed Driver**

(a) No holder of a temporary instruction permit issued under RC 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the conditions established under RC 4507.05(A).

(b) Except as provided in division (c) of this section, no holder of a temporary instruction permit that is issued under RC 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of eighteen (18) years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and 6:00 a.m.

(c) The holder of a temporary instruction permit issued under RC 4507.05(A) on or after July 1, 1998, who has not attained the age of eighteen (18) years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and 6:00 a.m. if, at the time of the operation, the holder is accompanied by the holder's parent, guardian or custodian, and the parent, guardian or custodian holds a current valid driver's or commercial driver's license issued by this state, is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in RC 4511.19(A).

(d) Whoever violates this section is guilty of a minor misdemeanor.  
(RC 4507.05(F), (I))

**Section 435.05 Owner or Operator Allowing Another to Drive**

(a) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

(1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.

(2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under RC Chapter 4510 or any other provision of the Ohio Revised Code.

(3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in RC Chapter 4509.

(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate RC 4511.19 or any substantially equivalent municipal ordinance.

(5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under RC 4503.235 and the other person is prohibited from operating the vehicle under that order.

(b) Without limiting or precluding the consideration of any other evidence in determining whether a violation of division (a)(1), (a)(2), (a)(3), (a)(4) or (a)(5) of this section has occurred, it shall be prima facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in division (a)(1), (a)(2), (a)(3), (a)(4) or (a)(5) of this section if any of the following applies:

(1) Regarding an operator allegedly in the category described in division (a)(1), (a)(3) or (a)(5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.

(2) Regarding an operator allegedly in the category described in division (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit, or privilege.

(3) Regarding an operator allegedly in the category described in division (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(c) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle, and shall be punished as provided in divisions (c) to (h) of this section.

(1) Except as provided in division (c)(2) of this section, whoever violates division (a)(1), (a)(2), or (a)(3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to RC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to RC 2929.26; notwithstanding RC 2929.28(A)(2)(a), the offender may be fined up to one thousand dollars (\$1,000.00); and, notwithstanding RC 2929.27(A)(3), the offender may be ordered pursuant to RC 2929.27(C) to serve a term of community service of up to five hundred (500) hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under RC 2705.02(A) that may be filed in the underlying case.

(2) A. If, within three (3) years of a violation of division (a)(1), (a)(2), or (a)(3) of this section, the offender previously has pleaded guilty to or been convicted of two (2) or more violations of division (a)(1), (a)(2), or (a)(3) of this section, RC 4511.203(A)(1), (a)(2), or (a)(3), or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

B. Whoever violates division (a)(4) or (a)(5) of this section is guilty of a misdemeanor of the first degree.

(3) For any violation of this section, in addition to the penalties imposed under this Code or RC Chapter 2929, the court may impose a class seven (7) suspension of the offender's driver's license, commercial driver's

license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in RC 4510.02(A)(7), and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one (1) of the following:

A. Except as otherwise provided in division (c)(3)B. or (c)(3)C. of this section, the court may order, for thirty (30) days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under RC 4503.233.

B. If the offender previously has been convicted of or pleaded guilty to one (1) violation of this section, RC 4511.203, or a substantially equivalent municipal ordinance, the court may order, for sixty (60) days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under RC 4503.233.

C. If the offender previously has been convicted of or pleaded guilty to two (2) or more violations of this section, RC 4511.203, or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under RC 4503.234.

(4) If title to a motor vehicle that is subject to an order for criminal forfeiture under division (c)(3)C. of this section is assigned or transferred and RC 4503.234(B)(2) or (B)(3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds from any fine imposed under this division shall be distributed in accordance with RC 4503.234(C)(2).

(d) If a court orders the immobilization of a vehicle under division (c)(3)A. or (c)(3)B. of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e) If a court orders the criminal forfeiture of a vehicle under division (c)(3)C. of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five (5) years after the date the order is issued, unless, during that five (5) year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(f) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in RC 4549.65.

(g) Evidence of a conviction of, plea of guilty to, or adjudication as a

delinquent child for a violation of this section shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(h) For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name.  
(RC 4511.203)

#### Section 435.06 Display of License

(a) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made, and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under RC Chapter 4507 when the person does not have the person's license on or about the person's person shall be prima facie evidence of the person's not having obtained a driver's license.

(b) (1) Except as provided in division (b)(2) of this section, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to RC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to RC 2929.26; notwithstanding RC 2929.28(A)(2)(a), the offender may be fined up to one thousand dollars (\$1,000.00); and notwithstanding RC 2929.27(A)(3), the offender may be ordered pursuant to RC 2929.27(C) to serve a term of community service of up to five hundred (500) hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under RC 2705.02(A) that may be filed in the underlying case.

(2) If, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to two (2) or more violations of this section, RC 4507.35, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.  
(RC 4507.35)

#### Section 435.07 Driver Under Suspension or Revocation

(a) Driving under Suspension or in Violation of License Restriction.

(1) Except as provided in division (a)(2) of this section, division (b) of this section, and in RC 4510.111 and 4510.16, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Revised Code, other than RC Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued, shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this municipality during

the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(2) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under RC 4506.10(D) or 4507.14.

(3) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a)(1) or (a)(2) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (a)(1) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of division (a)(2) of this section. The person charged with a violation of division (a)(1) or (a)(2) of this section may offer evidence to rebut this prima facie evidence.

(4) A. Whoever violates division (a)(1) or (a)(2) of this section is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven (7) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in RC 4510.02(A)(7).

B. 1. Except as provided in division (a)(4)B.2. or (a)(4)B.3. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to one (1) violation of this section, RC 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty (30) days and the impoundment of that vehicle's license plates for thirty (30) days in accordance with RC 4503.233.

2. If the vehicle is registered in the offender's name and if, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to two (2) violations of this section, or any combination of two (2) violations of this section, RC 4510.11, 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the immobilization of the vehicle involved in the offense for sixty (60) days and the impoundment of that vehicle's license plates for sixty (60) days in accordance with RC 4503.233.

3. If the vehicle is registered in the offender's name and if, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to three (3) or more violations of this section, or any combination of three (3) or more violations of this section or RC 4510.11,

4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the criminal forfeiture of the vehicle involved in the offense to the state.

(5) Any order for immobilization and impoundment under this section shall be issued and enforced under RC 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(6) Any order of criminal forfeiture under this section shall be issued and enforced under RC 4503.234. Upon receipt of the copy of the order from the court, neither the Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five (5) years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(7) The offender shall provide the court with proof of financial responsibility as defined in RC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to RC 2929.28 in an amount not exceeding five thousand dollars (\$5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.  
(RC 4510.11)

(b) Driving under suspension in violation of other provisions.

(1) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality whose driver's or commercial driver's license has been suspended pursuant to RC 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22, or 4510.33, or a substantially equivalent municipal ordinance.

(2) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (b)(1) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (b)(1) of this section. The person charged with a violation of division (b)(1) of this section may offer evidence to rebut this prima facie evidence.

(3) Whoever violates division (b)(1) of this section is guilty of driving under suspension and shall be

punished as provided in division (b)(3)A. or division (b)(3)B. of this section.

A. Except as otherwise provided in division (b)(3)B. of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to RC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to RC 2929.26; notwithstanding RC 2929.28(A)(2)(a), the offender may be fined up to one thousand dollars (\$1,000.00); and, notwithstanding RC 2929.27(A)(3), the offender may be ordered pursuant to RC 2929.27(C) to serve a term of community service of up to five hundred (500) hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under RC 2705.02(A) that may be filed in the underlying case.

B. If, within three (3) years of the offense, the offender previously was convicted of or pleaded guilty to two (2) or more violations of division (b)(1) of this section, or any combination of two (2) or more violations of division (b)(1) of this section, RC 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree, and the offender shall provide the court with proof of financial responsibility as defined in RC 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to RC 2929.28 in an amount not exceeding five thousand dollars (\$5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

(c) Repeat Traffic Offender; Point System Suspension. Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under RC 4510.037 and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a twelve (12) point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three (3) days in jail. No court shall suspend the first three (3) days of jail time imposed pursuant to this division. (RC 4510.037(J))

(d) Affirmative Defense. It is an affirmative defense to any prosecution brought under division (a) of this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency. (RC 4510.04)

**Section 435.08 Operation or Sale Without Certificate of Title**

(a) No person shall do any of the following:

(1) Operate in this municipality a motor vehicle for which a certificate

of title is required without having that certificate in accordance with RC Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this state knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a Clerk of a Court of Common Pleas;

(2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title or an assignment of a certificate of title for it as provided in RC Chapter 4505;

(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in RC Chapter 4505;

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in RC Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5) Violate any rules adopted pursuant to RC Chapter 4505;

(6) Except as otherwise provided in RC Chapters 4505 and 4517, sell at wholesale a motor vehicle ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with RC 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;

(7) Operate in this state a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars (\$200.00), imprisoned not more than ninety (90) days, or both. (RC 4505.18)

**Section 435.09 Display of License Plates; Exposed or Unlawful Plates**

(a) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under RC 4503.19 and 4503.191, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an in-transit permit, and the owner or operator of a motorcycle, motorized bicycle or moped, motor-driven cycle or motor scooter, autocycle, cab-enclosed motorcycle, manufactured home, mobile home, trailer or semitrailer shall display on the rear only. A motor vehicle that is issued two (2) license plates shall display the validation sticker only on the rear license plate,

except that a commercial tractor that does not receive an apportioned license plate under the international registration plan shall display the validation sticker on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

(2) No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under RC 4503.182, and no operator of that motor vehicle shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility. (RC 4503.21(A))

(b) Except as otherwise provided by RC 4503.103, 4503.173, 4503.41, 4503.43 and 4503.46, no person who is the owner or chauffeur of a motor vehicle operated or driven upon the public roads or highways shall fail to file annually the application for registration or to pay the tax therefor. (RC 4503.11(A))

(c) No person shall operate or drive upon the highways of this City a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (RC 4549.11(A))

(d) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive the motor vehicle upon the highways of this municipality while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this state relating to the registration and identification of motor vehicles. (RC 4549.12(A))

(e) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates for any period of time which has expired, or any license plates issued in another state for which the period of reciprocal agreement with the state of issue has expired.

(f) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for the vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

(g) (1) Whoever violates division (a) of this section is guilty of a minor misdemeanor. (RC 4503.21(B))

(2) Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree. (RC 4503.11(D))

(3) Whoever violates division (c) of this section is guilty of operation of a motor vehicle bearing license plates



or an identification mark issued to another, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

(RC 4549.11(B))

(4) Whoever violates division (d) of this section is guilty of illegal operation by a resident of this state of a motor vehicle bearing the distinctive number or identification mark issued by a foreign jurisdiction, a minor misdemeanor.

(RC 4549.12(B))

**Section 435.11 Use of Illegal License Plates; Transfer of Registration**

(a) No person shall operate or drive a motor vehicle upon the public roads and highways in this municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

(1) It is fictitious;

(2) It is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;

(3) It belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public roads and highways in this municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public roads and highways in this municipality during the thirty (30) day period described in RC 4503.12(A)(4).

(b) A person who fails to comply with the transfer of registration provisions of RC 4503.12 and is charged with a violation of that section shall not be charged with a violation of this section.

(c) Whoever violates division (a)(1), (a)(2) or (a)(3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

(RC 4549.08)

(d) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner immediately shall remove the license plates from the motor vehicle, except as otherwise provided in RC 4503.12(A).

(e) Whoever violates division (d) of this section is guilty of a misdemeanor of the fourth degree.

(RC 4503.12(A), (D))

**Section 435.15 Stopping After Accident upon Streets; Collision with Unattended Vehicle**

(a) (1) In case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, immediately shall stop the driver's or operator's motor vehicle at the scene of the accident or collision and shall remain at the scene of the accident or collision until the driver or operator has given the driver's or operator's name and address and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to any person injured

in the accident or collision, to the operator, occupant, owner or attendant of any motor vehicle damaged in the accident or collision, and to any police officer at the scene of the accident or collision.

(2) In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in the accident or collision forthwith shall notify the nearest police authority concerning the location of the accident or collision, and the driver's name, address and the registered number of the motor vehicle the driver was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

(3) If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(b) (1) Whoever violates division (a) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after an accident is a felony to be prosecuted under appropriate state law. The court, in addition to any other penalties provided by law, shall impose upon the offender a class five (5) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in RC 4510.02(A)(5). No judge shall suspend the first six (6) months of suspension of an offender's license, permit or privilege required by this division.

(2) The offender shall provide the court with proof of financial responsibility as defined in RC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to RC 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.

(RC 4549.02)

**Section 3.** That Section 435.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 835-03, passed June 10, 2003, and Sections 435.04, 435.16, and 435.17 as amended by Ordinance No. 91-96, passed March 18, 1996, are amended to read as follows:

**Section 435.01 Driver's or Commercial Driver's License Required; Restriction Violation**

(a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking, knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles under RC Chapter 4507 or a valid commercial driver's license issued under RC Chapter 4506.

Except as otherwise provided in this division, whoever violates this division is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to RC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to RC 2929.26; notwithstanding RC

2929.28(A)(2)(a), the offender may be fined up to one thousand dollars (\$1,000.00); and, notwithstanding RC 2929.27(A)(3), the offender may be ordered pursuant to RC 2929.27(C) to serve a term of community service of up to five hundred (500) hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under RC 2705.02(A) that may be filed in the underlying case. If, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to two (2) or more violations of this section or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(RC 4507.02(A)(1))

(b) Nonresidents, permitted to drive upon the highways of their own state, may operate any motor vehicle upon any highway in this state without examination or license under RC 4507.01 to 4507.39, inclusive, upon condition that the nonresident may be required at any time or place to prove lawful possession, or their right to operate the motor vehicle, and to establish proper identity.

(RC 4507.04)

(c) No person shall operate any motor vehicle in violation of any restriction imposed on his or her driver's or commercial driver's license by the Ohio Registrar of Motor Vehicles pursuant to RC 4507.14.

**Section 435.04 Certain Acts Prohibited**

(a) No person shall:

(1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;

(2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(4) Fail to surrender to the Ohio Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit that has been suspended or canceled;

(5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's

license temporary instruction permit, or any renewal or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under RC 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b) Whoever violates any division of this section is guilty of a misdemeanor of the first degree. (RC 4507.30)

**Section 435.16 Stopping After Accident upon Property Other Than Streets**

(a) (1) In the case of a motor vehicle accident or collision resulting in injury or damage to persons or property on any public or private property other than a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, shall stop at the scene of the accident or collision. Upon request of any person who is injured or damaged, or any other person, the operator shall give that person the operator's name and address, and if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the operator's driver's or commercial driver's license.

(2) If the owner or person in charge of such damaged property is not furnished this information, the driver of the motor vehicle involved in the accident or collision, within twenty-four (24) hours after the accident or collision, shall forward to the Police Division the same information required to be given to the owner or person in control of the damaged property and give the date, time and location of the accident or collision.

(3) If such accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(b) (1) Whoever violates division (a) of this section is guilty of failure to stop after a nonpublic road accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after a nonpublic road accident is a felony to be prosecuted under appropriate state law. The court, in addition to any other penalties provided by law, shall impose upon the offender a class five (5) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in RC 4510.02(A)(5). No judge shall suspend the first six (6) months of suspension of an offender's license, permit or privilege required by this division.

(2) The offender shall provide the court with proof of financial responsibility as defined in RC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to RC 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's

operation of the motor vehicle before, during, or after committing the offense charged under this section. (RC 4549.021)

**Section 435.17 Vehicle Accident Resulting in Damage to Realty**

(a) (1) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to such real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of such property of that fact, of the driver's name and address, and of the registration number of the vehicle the driver is driving and, upon request and if available, shall exhibit the driver's or commercial driver's license.

(2) If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property within twenty-four (24) hours after such accident, shall forward to the Police Division the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(b) (1) Whoever violates division (a) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

(2) The offender shall provide the court with proof of financial responsibility as defined in RC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to RC 2929.28 in an amount not exceeding five thousand dollars (\$5,000.00) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section. (RC 4549.03)

**Section 4.** That existing Section 435.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 835-03, passed June 10, 2003 and Sections 435.04, 435.16 and 435.17, as amended by Ordinance No. 91-96, passed March 18, 1996, as amended by Ordinance No. 91-96, passed March 18, 1996 are repealed.

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

Passed April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 282-17.  
By Council Members McCormack, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to accept a discount prepayment of the UDAG loan regarding the construction of the Crittenden Court Apartments.**

Whereas, Crittenden Court Apartment Associates Limited Partnership ("CCAA") has requested to make a discounted prepayment of its Amended and Restated UDAG Promissory Note to the City of Cleveland in an amount of \$972,408.66, which is one-third of the outstanding balance; 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 Economic Development is authorized to accept on behalf of the City, a discounted prepayment from CCAA, in an amount of \$972,408.66, which is equal to one-third of the current balance of its \$2,917,226.00 loan due on February 29, 2048, which loan originally was made to partially finance the construction of the Crittenden Court Apartments.

**Section 2.** That the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the prepayment.

**Section 3.** That the Director of Economic Development is authorized to deposit the prepayment of the UDAG loan into Fund No. 17 SF 006.

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

Passed April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 289-17.  
By Council Members Keane and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to exercise the second option to renew Contract No. PS 2015-043 with EnviroScience, Inc. to provide environmental analytical laboratory services for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 449-10, passed Jun 3 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, Ordinance No. 1435-11, passed October 31, 2011, and Ordinance No. 1400-12, passed January 28, 2013, the Director of Port Control entered into Contract No. PS 2015-043 with EnviroScience, Inc. to provide environmental analytical laboratory services for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 449-10, as amended, requires further legislation before exercising the second option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the second option to renew Contract No.

PS 2015-043 for an additional year with EnviroScience, Inc. to provide environmental analytical laboratory services for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 449-10, as amended, to exercise this option.

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

Passed April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 290-17.**  
**By Council Members Keane and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. RC 2015-101 with Hi-Lite Airfield Services LLC to provide for the labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 269-15, passed April 27, 2015, the Director of Port Control entered into Contract No. RC 2015-101 with Hi-Lite Airfield Services LLC to LLC to provide for the labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 269-15 requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. RC 2015-101 for an additional year with Hi-Lite Airfield Services LLC for the requirements for an additional year of the labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 269-15 to exercise this option.

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

Passed April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 305-17.**  
**By Council Members Brancatelli and Kelley (by departmental request).**

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

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

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

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

**Section 195.03 Exemptions from Tax**  
(a) No tax shall be levied under this chapter with respect to any admission all the proceeds of which inure:

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

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

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

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

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

voice, instruments, or dance. If the same active performance is occurring for the benefit of more than one separate room, then those separate rooms shall be considered together as one venue.

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

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

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

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

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

(f) Notwithstanding anything else in this chapter to the contrary, no tax shall be levied under this chapter with respect to any admission to the indoor arena facility (the "Gateway Arena") constructed by Gateway Economic Development Corporation of Greater Cleveland ("Gateway") pursuant to that certain Agreement Relating to



Ownership, Financing, Construction and Operation of a Sports Facility and Related Economic Development Projects, dated as of November 7, 1990, as amended by the First Amendment as authorized by Ordinance No. 325-92 (the "Three-Party Agreement"), between the City, Gateway, and the County of Cuyahoga, Ohio (the "County"), provided, however, that the exemption provided by this division (f) shall apply and be effective only as long as there are outstanding any Arena Bonds to which reference is made in the Cooperative Agreement between the City and County authorized by Ordinance No. 327-92 (the "Cooperative Agreement") (such Bonds being hereinafter referred to as the "Arena Bonds") and only if and as long as the following conditions are met and shall have been certified to be met by the Director of Law to the Commissioner of Assessments and Licenses:

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

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

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

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

together with any investment income earned thereon; and

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

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

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

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

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

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

(3) Immediately after an event for which an exemption from admission tax has been allowed pursuant to this

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

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

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

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

A. To retain in each Bond Year as defined in the Supplemental Agreement from the amounts paid to the Series 2017 Bonds Trustee pursuant to division (h)(1) of this section to fund and secure payments with respect to the Series 2017 Arena Bonds and to fund improvements to sports facilities as provided in the Supplemental Agreement (the "Series 2017 Arena Admissions PILOT"), an amount up to the sum of (a) five percent (5%) of all admissions charges for admissions to the Gateway Arena during the related Collection Year as provided in the Supplemental Agreement for: basketball games played by the Cleveland Cavaliers at the Gateway

Arena during each basketball season (including divisional, conference and championship play-off games); preseason or exhibition basketball games played by said Cavaliers at the Gateway Arena and the NBA All-Star Game and any other event held at the Gateway Arena in which professional basketball players participate (collectively, "Games"), plus (b) two percent (2%) of admissions charges for admissions to the Gateway Arena for events other than Games in any Collection Year; plus (c) in the event that the City increases the taxes payable under this chapter from eight percent (8%) to a higher rate, the percentage equal to such increase times all admissions charges for all admissions during such Collection Year to the Gateway Arena for Games, and plus (d) in the event that the City increases the taxes payable under this chapter from eight percent (8%) to a higher rate, the percentage equal to such increase times all admissions charges for all admissions during such Collection Year to the Gateway Arena for any events other than Games; and

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

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

(4) Gateway and the County shall make or cause to be made such other assurances and commitments as the City's Director of Finance and

Director of Law deem necessary, and appropriate to protect the City's entitlements under this division (h) and provide copies of such other assurances and commitments to the Clerk of the Council.

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

**Section 3.** That the Directors of Finance and Law are authorized to enter into an amendment to the Cooperative Agreement between the City and Cuyahoga County, dated as of September 15, 1992, relating to the Gateway Project, and is substantially in the form placed in File No. 305-17-B.

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

Passed April 24, 2017.

Effective April 25, 2017.

**Ord. No. 317-17.**  
**By Council Member Cleveland (by departmental request).**

**An emergency ordinance designating Grand Avenue between East 55th Street and Kinsman Road with a secondary and honorary designation of "Russell Atkins Way".**

Whereas, Russell Atkins, age 91, was born in Cleveland, developed a love of music early on and studied piano from the age of seven, went on to study music at the Cleveland School of Art and the Cleveland Institute of Music, and lived on Grand Avenue for sixty years; and

Whereas, Russell Atkins co-founded the magazine, *Free Lance*, recognized as one of the oldest, most influential magazines of the Black avant-garde, which did much to disseminate innovative writing in the African American community and influenced the New American Poetry; and

Whereas, the citizens of Cleveland want to honor Russell Atkins, musician, playwright, and poet with a street sign designation of "Russell Atkins Way"; 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 Grand Avenue between Kinsman Avenue and East 55th Street is designated with a secondary and honorary designation of "Russell Atkins Way".

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

Passed April 24, 2017.

Effective April 25, 2017.

**Ord. No. 362-17.**  
**By Council Members Keane and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with RAS Aviation, LLC dba Premier Flight Academy for the lease of certain city owned space at Burke Lakefront Airport, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority.**

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with RAS Aviation, LLC dba Premier Flight Academy ("Lessee") for use and occupancy of approximately 1,452 square feet of certain city-owned space located in Rooms 149 and 152 in the passenger terminal building at Burke Lakefront Airport ("Leased Premises") which space has been determined to be not needed for public use for the term of the Lease. The Leased Premises shall be used for the operation of a flight training and instruction activities to serve the air traveling public and patrons at Burke Lakefront Airport. The term of the Lease shall be for a two year period, with three one-year options to renew, commencing on the effective date of the Lease. The first of the one-year options to renew may be exercised by the Director of Port Control only if additional legislative authority is obtained. If such additional legislative authority is granted, the second and third one-year options to renew may be exercised at the option of the Director of Port Control, without the necessary of obtaining additional authority of this Council. For use of the Leased Premises, Lessee shall pay the City, as determined by an independent third-party appraisal, an annual rent of \$23,380.00 for the initial term. The lease rate for each of the options exercised shall be adjusted each year an option is exercised and is based on the United States Department of Labor, Consumer Price Index: "All Urban Consumers" Cleveland and Akron, but in no event shall be lower than the rate established during the initial term.

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

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

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

and after the earliest period allowed by law.

Passed April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 363-17.  
By Council Members Keane and Kelley (by departmental request).  
An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with Airports Council International for professional services necessary to provide customer service satisfaction surveys, data collection, reporting and benchmarking, and similar type services, for a period of one year, with three one-year options to renew, the second 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 Port Control is authorized to enter into one or more contracts with Airports Council International for professional services necessary to provide customer service satisfaction surveys, data collection, reporting, and benchmarking, and similar type services, for the Department of Port Control for a period of one year, with three one-year options to renew. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. The contract or contracts shall be paid from Fund No. 60 SF 001, Request No. RQS 3001, RL 2017-28.

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

Passed April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 364-17.  
By Council Members Keane and Kelley (by departmental request).  
An emergency ordinance authorizing the Director of Port Control to exercise the second option to renew Contract No. PS 2015-139 with Vertex Computer Systems, Inc. to provide technical support and maintenance of core information technology activities and other related services, for the Department of Port Control.**

Whereas, under the authority of Ordinance No. 562-14, passed June 9,

2014, the Director of Port Control entered into Contract No. PS 2015-139 with Vertex Computer Systems, Inc. to provide technical support and maintenance of core information technology activities and other related services, for the Department of Port Control; and

Whereas, Ordinance No. 562-14 requires further legislation before exercising the second option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the second option to renew Contract No. PS 2015-139 for an additional year to provide technical support and maintenance of core information technology activities and other related services. This ordinance constitutes the additional legislative authority required by Ordinance No. 562-14 to exercise this option.

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

Passed April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 411-17.  
By Council Member Kelley (by departmental request).  
An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$18,500,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$18,500,000 (the "Series 2017 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2017 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2017 Bonds is at least five years and the maximum maturity of the Series 2017 Bonds is 29 years, as evidenced by the certificate contained in File No. 411-17-A; and

Whereas, the authorization for issuance of the Series 2017 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result,

this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Series 2017 Bonds in an aggregate principal amount not to exceed \$18,500,000 for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, aquatic facilities, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, basketball courts, tennis courts, baseball fields and other recreational tracks and fields, and related buildings, structures, walkways, pavement, safety surfaces and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority, Security and Source of Payment.** The Series 2017 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2017 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2017 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2017 Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010,



between the City and the Trustee (together, the "Indenture"). The Indenture currently secures five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (collectively, the "Series 2008 Bonds"), four series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds"), one series of Subordinate Lien Income Tax Bonds issued on November 29, 2012 (the "Series 2012 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on May 30, 2013 (collectively, the "Series 2013 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A Bonds"), three series of Subordinate Lien Income Tax Bonds issued on June 11, 2014 (collectively, the "Series 2014B Bonds"), four series of Subordinate Lien Income Tax Bonds issued on April 9, 2015 (collectively, the "Series 2015A Bonds") and five series of Subordinate Lien Income Tax Refunding Bonds issued on September 16, 2015 (collectively, the "Series 2015B Bonds") and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014A Bonds, the Series 2014B Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2017 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

**Section 3. Pledge and Covenant to Maintain Income Tax.** So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

**Section 4. Terms of the Series 2017 Bonds.** The Series 2017 Bonds shall be issued in fully registered form. The Series 2017 Bonds may be issued in one or more series or subseries. The Series 2017 Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Ninth Supplement identified in Section 7. The Series 2017

Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds, Series 2017" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2017 Bonds shall be issued in one lot as fully registered Series 2017 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2017 Bonds shall be numbered as determined by the Director of Finance. The Series 2017 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2017 Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2017 Bonds and the sale of the Series 2017 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2017 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2017 Bonds shall not exceed 6% per year, if sold as fixed rate obligations. Interest on the Series 2017 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Series 2017 Bonds and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Series 2017 Bonds to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Series 2017 Bonds shall be determined; provided that the variable rate Series 2017 Bonds shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Series 2017 Bonds, and from time to time thereafter so long as the variable rate Series 2017 Bonds are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Series 2017 Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Series 2017 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2017 Bonds shall be no later than August 1, 2048; provided that the Series 2017 Bonds shall not have more than 29 annual

principal installments. The Series 2017 Bonds stated to mature in any year may be issued as serial Series 2017 Bonds or as term Series 2017 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2017 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

If any of the Series 2017 Bonds are issued as Term Series 2017 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Ninth Supplement).

The Series 2017 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2017 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2017 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

If and to the extent provided in the Certificate of Award, the City may have the option to purchase any Bond which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Bond were called for optional redemption on the date of the proposed purchase. That election shall be exercised as provided in the Ninth Supplement.

If and to the extent provided in the Certificate of Award, the Series 2017 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2017 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Series 2017 Bonds, subject to compliance with applicable federal tax laws.

**Section 5. Sale of Series 2017 Bonds.** The Series 2017 Bonds shall first be offered for purchase to the Trustees of

the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2017 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2017 Bonds, including: the principal amount of the Series 2017 Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2017 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2017 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2017 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2017 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2017 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2017 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2017 Bonds and the Original Purchaser agrees to buy the Series 2017 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2017 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Ninth Supplement, are in the best interest of

the City and in compliance with all legal requirements.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Series 2017 Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2017 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

(c) to the Trustee, for deposit in the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund;

(d) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2017 Bonds as original issue premium from the sale of the Series 2017 Bonds; and

(e) to the Trustee for deposit in the Project Fund, the balance of the proceeds.

**Section 7. Supplemental Indenture.** The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Ninth Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2017 Bonds, redemption of Series 2017 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2017 Bonds, defeasance of the Series 2017 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Ninth Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Ninth Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Ninth Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Ninth Supplement as may be necessary or appropriate to issue and sell the Series 2017 Bonds and to consummate the transactions authorized by this Ordinance.

**Section 8. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Series 2017 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$18,500,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall

bear interest at such rate, not exceeding 3% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Parks and Recreation Facilities Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of

award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 9. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2017 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2017 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2017 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2017 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2017 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 10. Federal Tax Considerations.** The City covenants that it will use, and will restrict the

use and investment of, the proceeds of the Series 2017 Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2017 Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2017 Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2017 Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2017 Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2017 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2017 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2017 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2017 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2017 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2017 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to

the tax treatment of the interest on the Series 2017 Bonds and any Notes and the tax status of the Series 2017 Bonds and any Notes.

**Section 11. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2017 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2017 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2017 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2017 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 12. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 13. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council any of its committees that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 14. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2017 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2017 Bonds or the Notes. It is further found and determined, and is



represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2017 Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 16. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 17. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2017 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2017 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

**Section 18. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

Passed April 24, 2017.

Effective April 25, 2017.

**Ord. No. 412-17.  
By Council Member Kelley (by  
departmental request).**

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$9,500,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefitting public safety, health and welfare, and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$9,500,000 (the "Series 2017 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2017 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2017 Bonds is at least five years and the maximum maturity of the Series 2017 Bonds is 12 years, as evidenced by the certificate contained in File No. 412-17-A; and

Whereas, the authorization for issuance of the Series 2017 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Series 2017 Bonds in an aggregate principal amount not to exceed \$9,500,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefitting the public safety, health and welfare, including constructing, reconstructing, installing, renovating, enlarging and otherwise improving buildings, structures and other facilities in, of and for police stations, fire stations, training facilities, emergency medical centers, service stations, parking facilities, centers and other facilities, the provision of necessary fixtures, furnishings, equipment, information technology hardware and software, utilities, site improvements and appurtenances, the acquisition of vehicles, and the acquisition of any required real estate and interests in real estate, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority, Security and Source of Payment.** The Series 2017 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2017 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2017 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2017 Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee (together, the "Indenture"). The Indenture currently secures five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (collectively, the "Series 2008 Bonds"), four series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds"), one series of Subordinate Lien Income Tax Bonds issued on November 29, 2012 (the "Series 2012 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on May 30, 2013 (collectively, the "Series 2013 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A Bonds"), three series of Subordinate Lien Income Tax Bonds issued on June 11, 2014 (collectively, the "Series 2014B Bonds"), four series of Subordinate Lien Income Tax Bonds issued on April 9, 2015 (collectively, the "Series 2015A Bonds") and five series of Subordinate Lien Income Tax Refunding Bonds issued on September 16, 2015 (collectively, the "Series 2015B Bonds") and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014A Bonds, the Series 2014B Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2017 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

**Section 3. Pledge and Covenant to Maintain Income Tax.** So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General

Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

**Section 4. Terms of the Series 2017 Bonds.** The Series 2017 Bonds shall be issued in fully registered form. The Series 2017 Bonds may be issued in one or more series or subseries. The Series 2017 Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Ninth Supplement identified in Section 7. The Series 2017 Bonds shall be designated "Public Facilities Improvement Bonds, Series 2017" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2017 Bonds shall be issued in one lot as fully registered Series 2017 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2017 Bonds shall be numbered as determined by the Director of Finance. The Series 2017 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2017 Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2017 Bonds and the sale of the Series 2017 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2017 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2017 Bonds shall not exceed 6% per year, if sold as fixed rate obligations. Interest on the Series 2017 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Series 2017 Bonds and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Series 2017 Bonds to be obligations bearing interest at variable rates. If the Director of

Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Series 2017 Bonds shall be determined; provided that the variable rate Series 2017 Bonds shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Series 2017 Bonds, and from time to time thereafter so long as the variable rate Series 2017 Bonds are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Series 2017 Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Series 2017 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2017 Bonds shall be no later than August 1, 2031; provided that the Series 2017 Bonds shall not have more than 12 annual principal installments. The Series 2017 Bonds stated to mature in any year may be issued as serial Series 2017 Bonds or as term Series 2017 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2017 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

If any of the Series 2017 Bonds are issued as Term Series 2017 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Ninth Supplement).

The Series 2017 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each

case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2017 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2017 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

If and to the extent provided in the Certificate of Award, the City may have the option to purchase any Bond which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Bond were called for optional redemption on the date of the proposed purchase. That election shall be exercised as provided in the Ninth Supplement.

If and to the extent provided in the Certificate of Award, the Series 2017 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2017 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Series 2017 Bonds, subject to compliance with applicable federal tax laws.

**Section 5. Sale of Series 2017 Bonds.** The Series 2017 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2017 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2017 Bonds, including: the principal amount of the Series 2017 Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2017 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2017 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2017 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2017 Bonds to the

Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2017 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2017 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2017 Bonds and the Original Purchaser agrees to buy the Series 2017 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2017 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Ninth Supplement, are in the best interest of the City and in compliance with all legal requirements.

**Section 6. Application of Proceeds.**

The proceeds from the sale of the Series 2017 Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2017 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

(c) to the Trustee, for deposit in the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund;

(d) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2017 Bonds as original issue premium from the sale of the Series 2017 Bonds; and

(e) to the Trustee for deposit in the Project Fund, the balance of the proceeds.

**Section 7. Supplemental Indenture.**

The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Ninth Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2017 Bonds, redemption of Series 2017 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2017 Bonds, defeasance of the Series 2017 Bonds, and other terms consistent with this Ordinance and the

Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Ninth Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Ninth Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Ninth Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Ninth Supplement as may be necessary or appropriate to issue and sell the Series 2017 Bonds and to consummate the transactions authorized by this Ordinance.

**Section 8. Bond Anticipation Notes.**

For the purpose of raising money in anticipation of the issuance of the Series 2017 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$9,500,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 3% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Public Facilities Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to

enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 9. Official Statement;**

**Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2017 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2017 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2017 Bonds, the



City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2017 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2017 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 10. Federal Tax Considerations.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2017 Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2017 Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2017 Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2017 Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2017 Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2017 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2017 Bonds and any Notes as the City is permitted to or

required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2017 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2017 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2017 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2017 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2017 Bonds and any Notes and the tax status of the Series 2017 Bonds and any Notes.

**Section 11. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2017 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2017 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2017 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2017 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 12. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written

advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 13. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council any of its committees that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 14. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2017 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2017 Bonds and the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2017 Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 16. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 17. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of

this Ordinance shall not apply to the Series 2017 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2017 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

**Section 18. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

Passed April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 413-17.  
By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$24,775,000 for the purpose of providing funds for bridges and roadways, and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$24,775,000 (the "Series 2017 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2017 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2017 Bonds is at least five years and the maximum maturity of the Series 2017 Bonds is 17 years, as evidenced by the certificate contained in File No. 413-17-A; and

Whereas, the authorization for issuance of the Series 2017 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Series 2017 Bonds in an aggregate principal amount not to exceed \$24,775,000 for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, driveway approaches, sidewalks and pedestrian walkways, by acquiring, installing, constructing, reconstructing, improving, opening, extending, widening, grading, draining, paving, sealing, resurfacing, striping, lighting and curbing; removing and installing landscape plantings around streetscapes and sidewalks; installing on-street bicycle facilities, bicycle paths and lanes, bike parking facilities, sidewalks and related pedestrian improvements; constructing and improving culverts; constructing sanitary sewers, storm sewers and water lines; resetting and constructing catch basins and other storm water drainage facilities; constructing, reconstructing, replacing and renovating bridges; acquiring any real estate and interests in real estate, including easements, necessary for such purpose; acquiring and installing street lighting and signs, signals, markings and other equipment and devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority, Security and Source of Payment.** The Series 2017 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2017 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2017 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2017 Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1

of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee (together, the "Indenture"). The Indenture currently secures five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (collectively, the "Series 2008 Bonds"), four series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds"), one series of Subordinate Lien Income Tax Bonds issued on November 29, 2012 (the "Series 2012 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on May 30, 2013 (collectively, the "Series 2013 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A Bonds"), three series of Subordinate Lien Income Tax Bonds issued on June 11, 2014 (collectively, the "Series 2014B Bonds"), four series of Subordinate Lien Income Tax Bonds issued on April 9, 2015 (collectively, the "Series 2015A Bonds") and five series of Subordinate Lien Income Tax Refunding Bonds issued on September 16, 2015 (collectively, the "Series 2015B Bonds") and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014A Bonds, the Series 2014B Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2017 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

**Section 3. Pledge and Covenant to Maintain Income Tax.** So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

**Section 4. Terms of the Series 2017 Bonds.** The Series 2017 Bonds shall be issued in fully registered form. The Series 2017 Bonds may be issued in one or more series or subseries. The Series 2017 Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the

Indenture and the Ninth Supplement identified in Section 7. The Series 2017 Bonds shall be designated "Bridges and Roadway Improvement Bonds, Series 2017" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2017 Bonds shall be issued in one lot as fully registered Series 2017 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2017 Bonds shall be numbered as determined by the Director of Finance. The Series 2017 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2017 Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2017 Bonds and the sale of the Series 2017 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2017 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2017 Bonds shall not exceed 6% per year, if sold as fixed rate obligations. Interest on the Series 2017 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Series 2017 Bonds and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Series 2017 Bonds to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Series 2017 Bonds shall be determined; provided that the variable rate Series 2017 Bonds shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Series 2017 Bonds, and from time to time thereafter so long as the variable rate Series 2017 Bonds are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Series 2017 Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Series 2017 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2017 Bonds shall be no later than August 1, 2036;

provided that the Series 2017 Bonds shall not have more than 17 annual principal installments. The Series 2017 Bonds stated to mature in any year may be issued as serial Series 2017 Bonds or as term Series 2017 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2017 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

If any of the Series 2017 Bonds are issued as Term Series 2017 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Ninth Supplement).

The Series 2017 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2017 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2017 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

If and to the extent provided in the Certificate of Award, the City may have the option to purchase any Bond which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Bond were called for optional redemption on the date of the proposed purchase. That election shall be exercised as provided in the Ninth Supplement.

If and to the extent provided in the Certificate of Award, the Series 2017 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2017 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Series 2017 Bonds, subject to compliance with applicable federal tax laws.

#### **Section 5. Sale of Series 2017 Bonds.**

The Series 2017 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2017 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2017 Bonds, including: the principal amount of the Series 2017 Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2017 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2017 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2017 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2017 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2017 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2017 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2017 Bonds and the Original Purchaser agrees to buy the Series 2017 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2017 Bonds, as provided in this Ordinance and as may be provided in



or pursuant to the Certificate of Award, the Indenture and the Ninth Supplement, are in the best interest of the City and in compliance with all legal requirements.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Series 2017 Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2017 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

(c) to the Trustee, for deposit in the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund;

(d) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2017 Bonds as original issue premium from the sale of the Series 2017 Bonds; and

(e) to the Trustee for deposit in the Project Fund, the balance of the proceeds.

**Section 7. Supplemental Indenture.** The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Ninth Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2017 Bonds, redemption of Series 2017 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2017 Bonds, defeasance of the Series 2017 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Ninth Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Ninth Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Ninth Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Ninth Supplement as may be necessary or appropriate to issue and sell the Series 2017 Bonds and to consummate the transactions authorized by this Ordinance.

**Section 8. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Series 2017 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$24,775,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the

Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 3% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Bridges and Roadway Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the

"Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 9. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2017 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2017 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2017 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2017 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2017 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 10. Federal Tax Considerations.** The City covenants

that it will use, and will restrict the use and investment of, the proceeds of the Series 2017 Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2017 Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2017 Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2017 Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2017 Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2017 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2017 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2017 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2017 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2017 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2017 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to

the tax treatment of the interest on the Series 2017 Bonds and any Notes and the tax status of the Series 2017 Bonds and any Notes.

**Section 11. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2017 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2017 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2017 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2017 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 12. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 13. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council any of its committees that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 14. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2017 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2017 Bonds or the Notes. It is further found and determined, and is

represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2017 Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 16. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 17. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2017 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2017 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

**Section 18. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

Passed April 24, 2017.

Effective April 25, 2017.

**Ord. No. 417-16.**

**By Mayor Jackson and Council Members K. Johnson and Kelley.**

**An emergency ordinance authorizing the purchase by one or more written standard purchase and requirement contracts of various on-road vehicles, apparatus, and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, for the Director of Public Works.**

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

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

**Section 1.** That, provided this Council authorizes and the City sells subordinated lien income tax bonds in 2017 for the purposes that include the purchases authorized in this ordinance, the Director of Public Works is authorized to make one or more written standard purchase contracts and requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Director, of the purchase of the necessary items of various on-road vehicles, apparatus, and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, in the estimated sum of \$9,428,185, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

<b>Item Description</b>	<b>Division</b>	<b>Quantity</b>	<b>Estimated Cost</b>	<b>Extended Cost</b>
TRUCKS HEAVY(B)- Rear Loader w/Cart Tipper	Waste Collection	5	\$325,437.00	\$1,627,185.00
AUTOMATED REFUSE TRUCK REHABILITATION	Waste Collection	Misc	\$200,000.00	\$200,000.00
<b>Waste Collection Total</b>	<b>\$1,827,185</b>			
TRUCK-HEAVY Single Axle Dump	Streets	2	\$170,000.00	\$340,000.00
TRUCK-HEAVY Tandem Axle Dump	Streets	2	\$210,000.00	\$420,000.00
STREET SWEEPER	Streets	4	\$185,000.00	\$740,000.00
LEAF VACUUM MACHINE	Streets	2	\$65,000.00	\$130,000.00
LEAF VACUUM MACHINE (Rehabilitation)	Streets	Misc	\$90,000.00	\$90,000.00
<b>Streets Total</b>	<b>\$1,720,000</b>			
TRUCK-AERIAL W/CHIPPER BODY	Park Maintenance	1	\$200,000.00	\$200,000.00
CHIPPER	Park Maintenance	1	\$56,000.00	\$56,000.00
LIGHT TRUCK	Park Maintenance	2	\$33,000.00	\$66,000.00
ATTACHMENTS	Park Maintenance	Misc	\$150,000.00	\$150,000.00
RIDING MOWERS	Park Maintenance	4	\$12,000.00	\$48,000.00
MOWER-Walk Behind	Park Maintenance	4	\$5,000.00	\$20,000.00
TRACTOR	Park Maintenance	2	\$33,000.00	\$66,000.00
<b>Park Maintenance Total</b>	<b>\$606,000</b>			
<b>Public Works Total</b>	<b>\$4,153,185</b>			
PASSENGER CAR Marked w/Police pkg	Police	45	\$42,000.00	\$1,890,000.00
PASSENGER CAR Unmarked w/Police pkg	Police	10	\$36,500.00	\$365,000.00
PASSENGER CAR Unmarked	Police	20	\$25,000.00	\$500,000.00
SUV - Marked w/Police pkg	Police	10	\$45,000.00	\$450,000.00
Motorcycle- Marked w/Police pkg	Police	5	\$25,000.00	\$125,000.00
Light Duty Truck-Pick Up	Police	3	\$35,000.00	\$105,000.00
Passenger Van	Police	2	\$25,000.00	\$50,000.00
<b>Police Total</b>	<b>\$3,485,000</b>			
Ambulance	EMS	5	\$280,000.00	\$1,400,000.00
Light Truck-SUV	EMS	1	\$75,000.00	\$75,000.00
<b>EMS Total</b>	<b>\$1,475,000</b>			
Light Truck	Corrections	7	\$45,000.00	\$315,000.00
<b>Corrections Total</b>	<b>\$315,000</b>			
<b>Public Safety Total</b>	<b>\$5,275,000</b>			
				<b>\$9,428,185.00</b>

Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.



**Section 2.** That the costs of the requirement contract or contracts shall be paid from Fund No. 11 SF 006, from the fund or funds to which are credited the proceeds from the sale of subordinated lien income tax bonds for 2017 issued for the purposes that include the purchases authorized in this ordinance, and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

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

**Section 4.** That the cost of the standard contracts authorized shall be paid from Fund No. 11 SF 006, and from the fund or funds to which are credited the proceeds from the sale of subordinated lien income tax bonds for 2017 issued for the purposes that include the purchases authorized in this ordinance. (RQS 7015, RLA 2017-5)

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

Passed April 24, 2017.

Effective April 25, 2017.

**Ord. No. 438-17.**

**By Council Members McCormack and Zone.**

**An emergency ordinance consenting and approving the issuance of a permit for the Rite Aid 2017 Cleveland Marathon, Half Marathon & 10K Course on May 21, 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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Rite Aid 2017 Cleveland Marathon, Marathon Course start: start on Ontario Street just south of Huron Road; turn right (east) on South Roadway becomes Euclid Avenue; turn left (north) on East 17th Street; turn right (north) on East 9th Street; turn left (west) on Al Lerner Way; turn left (south) on West 3rd Street; turn right (west) on Lakeside Avenue becomes Main Avenue; turn left (south) on Old River Road; turn right (south) on Robert Lockwood Drive; turn right (southwest) on Columbus Road; turn left (south) on Columbus Road; turn left (east) on Abbey Avenue; turn left (north) on West 11th Street; turn right (east) on University Road; turn right (south) on West 10th Street; turn left (east) on Literary Road; turn right (south) on West 7th Street; turn right (west) on Jefferson Avenue; turn left (south) on Tremont Avenue; turn right (west) on Starkweather Avenue; turn left (south) on Scranton Road; turn right (east) on Barber Avenue; turn right (north) on West 25th Street; turn left (west) on Lorain Avenue; turn right (north) on West 65th Street; turn right (east) on Bridge Avenue; turn left (north) on West 45th Street; turn left (west) on Franklin Boulevard; turn right (north) on West 85th Street; turn left (west) on Detroit Avenue; turn right (north) on West Street; turn left (west) on Clifton Blvd.; turn right (north) on West 115th Street; turn left (west) on Lake Avenue; turn right (north) on Webb; turn left (west) on Lake Road; turn right (west) on Clifton Blvd.; turn 180 degrees on Clifton just east of Kensington; turn left (north) on Lake Avenue; turn right (south) on Webb Blvd; turn left

(east) on Lake Avenue; turn left (north) on West 117th Street; turn right (east) on Edgewater Drive; turn left (north) on Cliff Drive; turn left (east) on Lake Avenue; turn left (east) on Detroit; finish on Detroit/Superior before West 3rd Street; Half Marathon Course start: start on Ontario Street just south of Huron Road; turn right (east) on South Roadway becomes Euclid Avenue; turn left (north) on East 17th Street; turn left (west) on St. Clair Avenue; turn right (north) on East 9th Street; turn left (west) on Al Lerner Way; turn left (south) on West 3rd Street; turn right (west) on Lakeside Avenue becomes Main Street; turn left (south) on Old River Road; turn right (south) on Robert Lockwood Drive; turn right (southwest) on Columbus Road; turn left (south) on Columbus Road; turn left (east) on Abbey Avenue; turn left (north) on West 11th Street; turn right (east) on University Road; turn right (south) on West 10th Street; turn left (east) on Literary Road; turn right (south) on West 7th Street; turn right (west) on Jefferson Avenue; turn left (south) on Tremont Avenue; turn right (west) on Starkweather Avenue; turn left (south) on Scranton Road; turn right (east) Barber Avenue; turn right (north) on West 25th Street; turn right (west) Lorain Avenue; turn right (north) on West 65th Street; turn right (east) on Bridge Avenue; turn left (north) on West 45th Street; turn left (west) on Franklin Blvd; turn right (north) on West 65th Street; turn right (east) on Detroit Avenue; finish on Detroit/Superior before West 3rd Street; 10K Course start: start on Ontario Street just south of Huron Road; turn right (east) on South Roadway becomes Euclid Avenue; turn right (north) on East 17th Street; turn left (west) on St. Clair Avenue; turn right (north) on East 9th Street; turn left (west) on Al Lerner Way; turn left (south) on West 3rd Street; turn right (west) on Lakeside Avenue becomes Main Street; turn left (south) on Old River Road; turn right (south) on Robert Lockwood Drive; turn right (southwest) on Columbus Road; turn left (south) on Columbus Road; turn right (west) on Abby Avenue; turn right (north) on Gehring Street; turn left (southwest) on Lorain/Carnegie Avenue; turn right (north) on West 25th Street; turn left (west) on Franklin Boulevard; turn right

(north) on West 29th Street; turn right (east) on Detroit; finish on Detroit/Superior before West 3rd Street; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 24, 2017.

Effective April 25, 2017.

**Ord. No. 456-17.**

**By Council Member Dow.**

**An emergency ordinance authorizing the Director of the Department of Public Works to enter into an agreement with the E.M.S. Rams Youth Development Group, Inc. for the Rams Youth Basketball Program through the use of Ward 7 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Public Works be authorized to enter into an agreement with the E.M.S. Rams Youth Football Development Group, Inc., for the Rams Youth Basketball Program for the public purpose of providing organized recreational sports activities to city of Cleveland youth through the use of Ward 7 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$6,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 457-17.**

**By Council Member Cummins.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Station Hope 2017 Expo through the use of Ward 14 Casino Revenue funds.**

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

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

**Section 1.** That the Director of the Department of Economic Development is hereby authorized to enter into agreement effective April 24, 2017 with Cleveland Public Theatre for the Station Hope 2017 Expo for the public purpose of promoting arts education and the history of the underground railroad to youth residing in the city of Cleveland through the use of Ward 14 Casino Revenue funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed April 24, 2017.  
Effective April 25, 2017.

**Ord. No. 461-17.**

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

**An emergency ordinance authorizing the Director of Workforce Development to lease certain property located at 1910 Carnegie Avenue from HD Medina I, LLC, for a term of ten years and three months, with two five year options to renew, the first of which requires additional legislative authority, or in the alternative, authorizing the Director to**

**enter into an Lease with Option to Purchase Agreement for the property for a period of fifteen years and three months; and authorizing the Commissioner of Purchases and Supplies to purchase property, for the public purpose of securing building and parking space for the operation of the OhioMeansJobs workforce program.**

Whereas, the City of Cleveland requires certain property located at 1910 Carnegie Avenue for the public purpose of securing building and parking space for the operation of the OhioMeansJobs ("OMJ") workforce program; and

Whereas, HD Medina I, LLC ("HD") has proposed to lease the property to the City of Cleveland, or in an alternative, to offer the property for sale to the City following a lease with option to purchase; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Workforce Development is authorized to lease from HD, certain property more fully depicted in the site pictures placed in File No. 461-17-A (the "Property"), also known as Permanent Parcel Number 103-12-038, for approximately 30,000 square feet of office space and approximately 111 secured parking spaces.

**Section 2.** That the term of the Lease authorized by this ordinance shall not exceed ten years and three months, with two five year options to renew. The first of the five-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the five-year options to renew is exercised, then the second of the five-year options to renew may be exercised at the option of the Director of Workforce Development, without the necessity of obtaining additional authority of this Council.

**Section 3.** That the rent for the Lease authorized by this ordinance shall not exceed the negotiated value of approximately \$407,398, inclusive of Base Rent and landlord's triple net charges defined as landlord's actual costs of insurance, real estate taxes, grounds keeping, management fee, exterior utilities, and maintenance, ("Nets") for the first year with an increase of 1.75% of Base Rent per year over the ten year lease term and any increases to Nets, which is determined to be fair market value, exclusive of building utilities, janitorial, and security.

**Section 4.** That the landlord shall make all turn-key tenant improvements to the Property at no additional cost to tenant as agreed upon by the parties to be consistent with the public purpose or purposes of securing building and parking space for the operation of OMJ. The Lease shall also include that HD will provide approximately \$30,000 in moving services necessary to move furniture and retrofit OMJ's existing cubicles.

**Section 5.** That the Lease may provide for the City's payment of

appropriate utility, janitorial, and security expenses.

**Section 6.** That as an alternate to the Lease authorized in Section 1 of this ordinance, notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Workforce Development is authorized to enter into an Lease with Option to Purchase Agreement with HD for the Property depicted in the above-mentioned file.

**Section 7.** That the Option to Purchase Agreement shall be for a period of fifteen years and three months, commencing upon execution of an Option to Purchase Agreement signed by the Director of Workforce Development and HD.

**Section 8.** That the rent for the Lease authorized by this ordinance shall not exceed the negotiated value of approximately \$492,039, inclusive of Base Rent and landlord's triple net charges defined as landlord's actual costs of insurance, real estate taxes, grounds keeping, management fee, exterior utilities, and maintenance, ("Nets") for the first year with an increase of 1.75% of Base Rent per year over the fifteen year lease term and any increases to Nets, which is determined to be fair market value, exclusive of building utilities, janitorial, and security.

**Section 9.** That the landlord shall make all tenant improvements to the Property under terms to be determined by the parties to be consistent with the public purpose or purposes of securing building and parking space for the operation of OMJ. The Lease shall also include that HD will provide approximately \$30,000 in moving services necessary to move furniture and retrofit OMJ's existing cubicles.

**Section 10.** That the Lease may provide for the City's payment of appropriate utility, janitorial, and security expenses.

**Section 11.** That the Director is authorized to exercise the option to acquire the Property under the Option to Purchase Agreement.

**Section 12.** That, under the Option to Purchase Agreement, notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the Property from HD for \$1.00 and other valuable considerations which is determined to be fair market value.

**Section 13.** That the Lease, the Option to Purchase Agreement, or any other necessary documents shall be prepared by the Director of Law.

**Section 14.** That the Director of Workforce Development, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect this ordinance.

**Section 15.** That the cost of the Lease shall be a Year 1 gross cost of approximately \$407,398 annually, or \$33,950 per month, which includes Base Rent and Nets, with a 1.75% per year increase of Base Rent over the term of the Lease plus any increases to Nets to reflect landlord's actual costs.

**Section 16.** That, in the alternative, the cost of the Lease with Option to Purchase shall be a Year 1 gross cost of approximately \$492,039 annually, or \$41,003 per month, which includes

Base Rent and Nets, with a 1.75% per year increase of Base Rent over the term of the Lease with Option to Purchase Agreement plus any increases to Nets to reflect landlord's actual costs.

Section 17. That the costs of the Lease or the Lease with Option to Purchase Agreement, including any costs associated with acquiring, accepting, and recording, shall be paid from Fund Nos. 16 SF 916 and 16 SF 917, for the first year of the initial term, and the remaining years under the selection are subject to annual appropriation.

Section 18. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 24, 2017. Effective April 25, 2017.

Ord. No. 469-17. By Council Member Pruitt. An emergency ordinance memorializing and accepting Supplemental Agreement No. 1 to the Cooperative Agreement between the City of Cleveland and County of Cuyahoga and the Cavaliers Operating Company, LLC relating to the 2017 Quicken Loans Arena Project.

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 President of Council is authorized to accept commitments memorialized in this legislation and in Supplemental Agreement No. 1 to the Cooperative Agreement between the City of Cleveland and County of Cuyahoga and the Cavaliers Operating Company, LLC (File No. 469-17-A) relating to the 2017 Quicken Loans Arena Project, which commitments include the following: (a) beginning July 1, 2023 through January 1, 2035, if over a five year period, the admissions tax revenue allocated to the debt service on the 2017 Q transformation bonds is greater than the share to the City of Cleveland's General Fund, then the Cavaliers Operating Company shall contribute the difference to the City of Cleveland's General Fund; (b) Cavaliers Operating Company shall contribute all proceeds from watch parties to Habitat for Humanity for rehabilitation of homes in the City of Cleveland; and (c) Cavaliers Operating Company shall restore and refurbish the basketball courts in every City of Cleveland recreation center; and (d) Cavaliers Operating Company, LLC shall restore and refurbish the basketball courts in every Cleveland Metropolitan School District high school.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed April 24, 2017. Effective April 25, 2017.

COUNCIL COMMITTEE MEETINGS

Monday, May 1, 2017 2:00 p.m.

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

Tuesday, May 2, 2017 9:30 a.m.

Development, Planning and Sustainability Committee: Cancelled.

1:30 p.m.

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

Wednesday, May 3, 2017 10:00 a.m.

Transportation Committee: Present: Keane, Chair; Dow, Vice Chair; Conwell, J. Johnson, Kazy, Reed. Authorized Absence: K. Johnson.

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

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Changing the Use, Area and Height District of parcels along Meyer Avenue between West 25th Street and West 30th Street and as identified on the attached map (Map Change No. 2555). (O 366-17) .....713

Changing the Use, Area, and Height Districts along Lorain Avenue between West 50th Street and West 65th Street and replacing the PRO District with an Urban Form Overlay District along Lorain between West 50th Street and West 61st Street on the north and south sides of the street as shown on the attached map (Map Change No. 2553). (O 441-17) .....713

Designating Grand Avenue between East 55th Street and Kinsman Road with a secondary and honorary designation of "Russell Atkins Way". (O 317-17) .....732

Establishing an Urban Form Overlay District and designating an Urban Frontage Line along Lorain Ave. between West 136th Street and West 143rd Street and as shaded on the attached map (Map Change No. 2550). (O 236-17) .....713

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To vacate a portion of Bay Street (formerly Plum Street). (O 501-17) .....684

To vacate a portion of Broome Court N.W. (O 502-17) .....685

To vacate a portion of the 1st un named Alley East of West 65th Street and North of West Clinton Avenue. (O 505-17) .....686

To vacate a portion of the 1st un named alley west of West 65th Street and south of Franklin Avenue. (O 508-17) .....688

To vacate a portion of the first un named alley North of Superior Avenue N.E., East of East 21st Street. (O 506-17) .....687

To vacate a portion of the first un named alley North of Superior Avenue N.E., West of East 25th Street, now known as Perry Court. (O 507-17) .....687

To vacate a portion of the Main Avenue Alteration. (O 504-17) .....686



To vacate a portion of West 21st Street (16.50 feet wide) and a portion of Franklin Avenue N.W. (60.00 feet wide). (O 509-17) .....	.688
To vacate portions of Division Avenue, West 45th Street and West 53rd Street. (O 503-17) .....	.685

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**Codified Ordinances**

To amend Section 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595 13, passed April 29, 2013, relating to exemptions from Admissions Tax; and to authorize the Directors of Finance and Law to enter into an amendment to the Cooperative Agreement between the City and Cuyahoga County dated as of September-15, 1992. (O 305-17) .....	.730
To repeal Section 411.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91 96, passed March 18, 1996, and to supplement the codified ordinances by enacting new Section 411.01, relating to placing injurious material or obstruction in street. (O 1277-15) .....	.716
To repeal various sections of Chapter 433 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 433.01 through 433.03, 433.05 and 433.07, and by amending Section 433.04 as amended by Ordinance No. 91 96, passed March 18, 1996; and to repeal Section 433.011 of the codified ordinances, relating to intoxication, reckless operation and speed. (O 1279-15) .....	.693-717
To repeal various sections of Chapter 435 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 435.02, 435.03, 435.05 through 433.09, 433.11 and 435.15; and by amending Sections 435.01, 435.04, 435.16 and 435.17 as amended by various ordinances, relating to licensing and accidents. (O 1280-15) .....	.701-724

**Communications**

Dedication Plat for Vine Court Townhomes Subdivision, West 32nd Street and Vine Court. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 482-17) .....	.683
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**Community Development**

Authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Station Hope 2017 Expo through the use of Ward 14 Casino Revenue funds. (O 457-17) .....	.747
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Authorizing the Director of Port Control to enter into one or more contracts with Airports Council International for professional services necessary to provide customer service satisfaction surveys, data collection, reporting and benchmarking, and similar type services, for a period of one year, with three one year options to renew, the second of which requires additional legislative authority. (O 363-17) .....	.733
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Authorizing the Director of Port Control to exercise the first option to renew Contract No. RC 2015 101 with Hi Lite Airfield Services LLC to provide for the labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control. (O 290-17) .....730

Authorizing the Director of Port Control to exercise the second option to renew Contract No. PS 2015 043 with EnviroScience, Inc. to provide environmental analytical laboratory services for the various divisions of the Department of Port Control. (O 289-17) .....729

Authorizing the purchase by one or more written standard purchase and requirement contracts of various on road vehicles, apparatus, and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, for the Director of Public Works. (O 417-17) .....745

**Cooperative Agreement**

Memorializing and accepting Supplemental Agreement No. 1 to the Cooperative Agreement between the City of Cleveland and County of Cuyahoga and the Cavaliers Operating Company, LLC relating to the 2017 Quicken Loans Arena Project. (O 469-17) .....748

To amend Section 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595 13, passed April 29, 2013, relating to exemptions from Admissions Tax; and to authorize the Directors of Finance and Law to enter into an amendment to the Cooperative Agreement between the City and Cuyahoga County dated as of September-15, 1992. (O 305-17) .....730

**Cuyahoga County**

Memorializing and accepting Supplemental Agreement No. 1 to the Cooperative Agreement between the City of Cleveland and County of Cuyahoga and the Cavaliers Operating Company, LLC relating to the 2017 Quicken Loans Arena Project. (O 469-17) .....748

To amend Section 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595 13, passed April 29, 2013, relating to exemptions from Admissions Tax; and to authorize the Directors of Finance and Law to enter into an amendment to the Cooperative Agreement between the City and Cuyahoga County dated as of September-15, 1992. (O 305-17) .....730

To amend Sections 1 and 12 of Ordinance No. 219 14, passed June 9, 2014, relating to giving consent to the State of Ohio and County of Cuyahoga for the widening and reconstruction of East 105th Street from Quebec Avenue to Chester Avenue and construction of new connecting roadways. (O 499-17) .....684

**Economic Development Department**

Authorizing the Director of Economic Development to accept a discount prepayment of the UDAG loan regarding the construction of the Crittenden Court Apartments. (O 282-17) .....729

**Finance Department**

Authorizing the issuance and sale of bonds in the maximum principal amount of \$18,500,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters. (O 411-17) .....733

Authorizing the issuance and sale of bonds in the maximum principal amount of \$24,775,000 for the purpose of providing funds for bridges and roadways, and authorizing related matters. (O 413-17) .....741

Authorizing the issuance and sale of bonds in the maximum principal amount of \$9,500,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefitting public safety, health and welfare, and authorizing related matters. (O 412-17) .....737

To amend Section 195.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595 13, passed April 29, 2013, relating to exemptions from Admissions Tax; and to authorize the Directors of Finance and Law to enter into an amendment to the Cooperative Agreement between the City and Cuyahoga County dated as of September-15, 1992. (O 305-17) .....730

**Health Department**

Authorizing the issuance and sale of bonds in the maximum principal amount of \$9,500,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefitting public safety, health and welfare, and authorizing related matters. (O 412-17) .....737

**Hermes Sports & Events, Inc.**

Consenting and approving the issuance of a permit for the Annual Diversity Center of Northeast Ohio Walk/Run, on May 6, 2017, sponsored by Hermes Sports and Events, Inc. (O 523-17) .....690

Consenting and approving the issuance of a permit for the Ohio City Run & Crawl on June-17, 2017, sponsored by Hermes Sports & Events, Inc. (O 514-17) .....689

**Lease Agreement**

Authorizing the Director of Port Control to enter into a Lease Agreement with RAS Aviation, LLC dba Premier Flight Academy for the lease of certain city owned space at Burke Lakefront Airport, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 362-17) .....	701-732
Authorizing the Director of Workforce Development to lease certain property located at 1910 Carnegie Avenue from HD Medina I, LLC, for a term of ten years and three months, with two five year options to renew, the first of which requires additional legislative authority, or in the alternative, authorizing the Director to enter into an Lease with Option to Purchase Agreement for the property for a period of fifteen years and three months; and authorizing the Commissioner of Purchases and Supplies to purchase property, for the public purpose of securing building and parking space for the operation of the OhioMeansJobs workforce program. (O 461-17) .....	747

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Objecting to a New C1 Liquor Permit at 5611 Woodland Avenue. (R 464-17) .....	715
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Objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3750 Martin Luther King, Jr. Boulevard, 1st floor and basement. (R 467-17) .....	716
Objecting to the transfer of ownership of a C1 Liquor Permit to 4382 West 130th Street. (R 518-17) .....	691
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**Loans**

Authorizing the Director of Economic Development to accept a discount prepayment of the UDAG loan regarding the construction of the Crittenden Court Apartments. (O 282-17) .....	729
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**Ohio Department of Transportation (ODOT)**

To amend Sections 1 and 12 of Ordinance No. 219 14, passed June 9, 2014, relating to giving consent to the State of Ohio and County of Cuyahoga for the widening and reconstruction of East 105th Street from Quebec Avenue to Chester Avenue and construction of new connecting roadways. (O 499-17) .....	684
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**Parks and Recreation Facilities**

Authorizing the issuance and sale of bonds in the maximum principal amount of \$18,500,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters. (O 411-17) .....	733
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**Permits**

Consenting and approving the issuance of a permit for the American Lung Association Walk, on May 13, 2017, sponsored by the American Lung Association. (O 510-17) .....688

Consenting and approving the issuance of a permit for the Annual Diversity Center of Northeast Ohio Walk/Run, on May 6, 2017, sponsored by Hermes Sports and Events, Inc. (O 523-17) .....690

Consenting and approving the issuance of a permit for the Colon Cancer UNDY Run on September 30, 2017, benefiting the Colon Cancer Alliance. (O 511-17) .....689

Consenting and approving the issuance of a permit for the Escape on the Lake, on July 8, 2017, benefits Villa Angela St. Joseph High School. (O 516-17) .....690

Consenting and approving the issuance of a permit for the Inside The Park Home Run on July 30, 2017, proceeds to benefit the Furniture Bank. (O 512-17) .....689

Consenting and approving the issuance of a permit for the National Kidney Foundation Annual Walk on June 11, 2017, managed by the National Kidney Foundation. (O 513-17) .....689

Consenting and approving the issuance of a permit for the Ohio City Run & Crawl on June-17, 2017, sponsored by Hermes Sports & Events, Inc. (O 514-17) .....689

Consenting and approving the issuance of a permit for the OROC Run, on August 5, 2017, benefiting the OROC Foundation. (O 515-17) .....690

Consenting and approving the issuance of a permit for the Rite Aid 2017 Cleveland Marathon, Half Marathon & 10K Course on May 21, 2017. (O 438-17) .....746

**Plats**

Dedication Plat for Vine Court Townhomes Subdivision, West 32nd Street and Vine Court. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 482-17) .....683

**Police Division**

Authorizing the Director of Public Safety to accept the donation of pre-packaged frozen desserts, use of a freezer, and related items, from the Cleveland Police Foundation for the "Let's Chill Together" program for local youths and young adults, Division of Police, Department of Public Safety. (O 360-17) .....692

To repeal various sections of Chapter 433 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 433.01 through 433.03, 433.05 and 433.07, and by amending Section 433.04 as amended by Ordinance No. 91 96, passed March 18, 1996; and to repeal Section 433.011 of the codified ordinances, relating to intoxication, reckless operation and speed. (O 1279-15) .....693-717

To repeal various sections of Chapter 435 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 435.02, 435.03, 435.05 through 433.09, 433.11 and 435.15; and by amending Sections 435.01, 435.04, 435.16 and 435.17 as amended by various ordinances, relating to licensing and accidents. (O 1280-15) .....701-724

**Port Control Department**

Authorizing the Director of Port Control to enter into a Lease Agreement with RAS Aviation, LLC dba Premier Flight Academy for the lease of certain city owned space at Burke Lakefront Airport, for the Department of Port Control, for a period of two years with three one year options to renew, the first of which requires additional legislative authority. (O 362-17) .....701-732

Authorizing the Director of Port Control to enter into one or more contracts with Airports Council International for professional services necessary to provide customer service satisfaction surveys, data collection, reporting and benchmarking, and similar type services, for a period of one year, with three one year options to renew, the second of which requires additional legislative authority. (O 363-17) .....733

Authorizing the Director of Port Control to exercise the first option to renew Contract No. RC 2015 101 with Hi Lite Airfield Services LLC to provide for the labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control. (O 290-17) .....730

Authorizing the Director of Port Control to exercise the second option to renew Contract No. PS 2015 043 with EnviroScience, Inc. to provide environmental analytical laboratory services for the various divisions of the Department of Port Control. (O 289-17) .....729

**Professional Services**

Authorizing the Director of Port Control to enter into one or more contracts with Airports Council International for professional services necessary to provide customer service satisfaction surveys, data collection, reporting and benchmarking, and similar type services, for a period of one year, with three one year options to renew, the second of which requires additional legislative authority. (O 363-17) .....733

Authorizing the Director of Port Control to exercise the second option to renew Contract No. PS 2015 139 with Vertex Computer Systems, Inc. to provide technical support and maintenance of core information technology activities and other related services, for the Department of Port Control. (O 364-17) .....733

**Public Hearings (Notices)**

Changing the Area District of lands situated along the east side of Walworth Avenue, north of Junction Road, south of I 90 from an RA2 District to an RA3 District as identified on the attached map (Map Change No. 2558). (O 278-17) .....	713
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Establishing an Urban Form Overlay District and designating an Urban Frontage Line along Lorain Ave. between West 136th Street and West 143rd Street and as shaded on the attached map (Map Change No. 2550). (O 236-17) .....	713

**Public Works**

Authorizing the Director of the Department of Public Works to enter into an agreement with the E.M.S. Rams Youth Development Group, Inc. for the Rams Youth Basketball Program through the use of Ward 7 Casino Revenue Funds. (O 456-17) .....	746
Authorizing the purchase by one or more written standard purchase and requirement contracts of various on road vehicles, apparatus, and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, for the Director of Public Works. (O 417-17) .....	745

**Purchases and Supplies Division**

Authorizing the Director of Workforce Development to lease certain property located at 1910 Carnegie Avenue from HD Medina I, LLC, for a term of ten years and three months, with two five year options to renew, the first of which requires additional legislative authority, or in the alternative, authorizing the Director to enter into an Lease with Option to Purchase Agreement for the property for a period of fifteen years and three months; and authorizing the Commissioner of Purchases and Supplies to purchase property, for the public purpose of securing building and parking space for the operation of the OhioMeansJobs workforce program. (O 461-17) .....	747
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**Races**

Consenting and approving the issuance of a permit for the Annual Diversity Center of Northeast Ohio Walk/Run, on May 6, 2017, sponsored by Hermes Sports and Events, Inc. (O 523-17) .....	690
Consenting and approving the issuance of a permit for the Colon Cancer UNDY Run on September 30, 2017, benefiting the Colon Cancer Alliance. (O 511-17) .....	689
Consenting and approving the issuance of a permit for the Escape on the Lake, on July 8, 2017, benefits Villa Angela St. Joseph High School. (O 516-17) .....	690
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Consenting and approving the issuance of a permit for the Rite Aid 2017 Cleveland Marathon, Half Marathon & 10K Course on May 21, 2017. (O 438-17) .....	746

**Safety Department**

Authorizing the Director of Public Safety to accept the donation of pre-packaged frozen desserts, use of a freezer, and related items, from the Cleveland Police Foundation for the "Let's Chill Together" program for local youths and young adults, Division of Police, Department of Public Safety. (O 360-17) .....	692
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**State of Ohio**

- To amend Sections 1 and 12 of Ordinance No. 219 14, passed June 9, 2014, relating to giving consent to the State of Ohio and County of Cuyahoga for the widening and reconstruction of East 105th Street from Quebec Avenue to Chester Avenue and construction of new connecting roadways. (O 499-17) .....684

**Street Vacation**

- To vacate a portion of Andes Court S.E. (O 500-17) .....684
- To vacate a portion of Bay Street (formerly Plum Street). (O 501-17) .....684
- To vacate a portion of Broome Court N.W. (O 502-17) .....685
- To vacate a portion of the 1st un named Alley East of West 65th Street and North of West Clinton Avenue. (O 505-17) .....686
- To vacate a portion of the 1st un named alley west of West 65th Street and south of Franklin Avenue. (O 508-17) .....688
- To vacate a portion of the first un named alley North of Superior Avenue N.E., East of East 21st Street. (O 506-17) .....687
- To vacate a portion of the first un named alley North of Superior Avenue N.E., West of East 25th Street, now known as Perry Court. (O 507-17) .....687
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- To vacate a portion of West 21st Street (16.50 feet wide) and a portion of Franklin Avenue N.W. (60.00 feet wide). (O 509-17) .....688
- To vacate portions of Division Avenue, West 45th Street and West 53rd Street. (O 503-17) .....685

**Streets**

- To repeal Section 411.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91 96, passed March 18, 1996, and to supplement the codified ordinances by enacting new Section 411.01, relating to placing injurious material or obstruction in street. (O 1277-15) .....716

**Streets - Name**

- Designating Grand Avenue between East 55th Street and Kinsman Road with a secondary and honorary designation of "Russell Atkins Way". (O 317-17) .....732

**Streets Division**

- Authorizing the issuance and sale of bonds in the maximum principal amount of \$24,775,000 for the purpose of providing funds for bridges and roadways, and authorizing related matters. (O 413-17) .....741

**Vehicles**

- Authorizing the purchase by one or more written standard purchase and requirement contracts of various on road vehicles, apparatus, and off road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, as needed, for the Director of Public Works. (O 417-17) .....745

**Walk A Thons**

- Consenting and approving the issuance of a permit for the American Lung Association Walk, on May 13, 2017, sponsored by the American Lung Association. (O 510-17) .....688
- Consenting and approving the issuance of a permit for the Annual Diversity Center of Northeast Ohio Walk/Run, on May 6, 2017, sponsored by Hermes Sports and Events, Inc. (O 523-17) .....690
- Consenting and approving the issuance of a permit for the National Kidney Foundation Annual Walk on June 11, 2017, managed by the National Kidney Foundation. (O 513-17) .....689

**Ward 01**

- #61433920035. Stock Application, C1. Moran Foods LLC, 14301 Kinsman Rd. (Ward 1). (F 483-17) .....683



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Objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3750 Martin Luther King, Jr. Boulevard, 1st floor and basement. (R 467-17) .....	<b>.716</b>
To vacate a portion of Bay Street (formerly Plum Street). (O 501-17) .....	.684

**Ward 03**

Authorizing the Director of Economic Development to accept a discount prepayment of the UDAG loan regarding the construction of the Crittenden Court Apartments. (O 282-17) .....	<b>.729</b>
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Congratulations Resolution for Zion United Church of Christ in Tremont -150th Anniversary (R 526-17) .....	.684
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Consenting and approving the issuance of a permit for the Annual Diversity Center of Northeast Ohio Walk/Run, on May 6, 2017, sponsored by Hermes Sports and Events, Inc. (O 523-17) .....	.690
Consenting and approving the issuance of a permit for the Colon Cancer UNDY Run on September 30, 2017, benefiting the Colon Cancer Alliance. (O 511-17) .....	.689
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#61433920195. Stock Application, C1. Moran Foods LLC, 18501 Neff Rd. (Ward 8). (F 486-17) .....**.683**  
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**Ward 13**

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**Workforce Development**

Authorizing the Director of Workforce Development to lease certain property located at 1910 Carnegie Avenue from HD Medina I, LLC, for a term of ten years and three months, with two five year options to renew, the first of which requires additional legislative authority, or in the alternative, authorizing the Director to enter into an Lease with Option to Purchase Agreement for the property for a period of fifteen years and three months; and authorizing the Commissioner of Purchases and Supplies to purchase property, for the public purpose of securing building and parking space for the operation of the OhioMeansJobs workforce program. (O 461-17) .....747

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